

*I dream of the day when the only running
women do is for office.
That my daughters will know a world where
the only glass ceilings are in green houses.*

Hannah Berry "Daughters of Glass"

BC TREATY
COMMISSION 

Annual Report 2024

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> UN DECLARATION >

treaty



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naw'si:yém məsteyəx^w Hello respected people

Celeste Haldane
CHIEF COMMISSIONER

On behalf of the BC Treaty Commission (Treaty Commission), it is my pleasure to present the 2024 Annual Report.

This has been a year of remarkable achievements and milestones for the made-in-BC treaty negotiations framework (made-in-BC negotiations framework or process) and for the parties that advanced treaties, agreements and other constructive arrangements.

Each one encapsulates significant legal and policy developments and demonstrates flexibility and innovation in reconciliation and nation-to-nation and government-to-government-to-government relationships.

TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS

Modern treaties are the most comprehensive and transformational forms of reconciliation between the Crown and First Nations. *The Kitselas Treaty: A Living Agreement*, June 24, 2024¹,

1 Kitselas First Nation, June 24, 2024. <https://kitselastreaty.ca/wp-content/uploads/2024/07/Kitselas-Treaty-A-Living-Agreement-compressed.pdf>

Kitsumkalum Treaty: A Living Agreement, June 25, 2024², and *K'ómoks First Nation Treaty: "A Living Agreement,"* July 22, 2024³ (collectively "the Initialled Treaties") are the first to be initialled after the creation of the *Recognition and Reconciliation of Rights Policy for Treaty Negotiations* (RRR Policy) in British Columbia and other major changes, such as the provincial *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) and the federal *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDRIPA).

These three Initialled Treaties lock down co-developed innovations for some of the most challenging issues since the inception of the made-in-BC negotiations framework. They incorporate the new legal landscape and enhanced mandates and authorities, such as: recognition and predictability; living agreements; fiscal mandates increasing the capital transfer, self-governance funding, and self-governance start-up costs; changes to taxation policies; new

2 "Kitsumkalum Treaty." Initialled June 25, 2024. <https://engage.gov.bc.ca/app/uploads/sites/121/2024/06/Kitsumkalum-Treaty-for-Initialling.pdf>

3 "K'ómoks Treaty." Initialled July 22, 2024. https://engage.gov.bc.ca/app/uploads/sites/121/2024/07/Komoks-Treaty_Initialing-Version.pdf

self-governance authorities and approaches to the enforcement of laws and shared decision-making.

Like the eight Modern Treaties currently being implemented in BC, the Initialled Treaties are all living agreements, capable of evolving and integrating future innovations in reconciliation and recognition of rights in the future.

There is no one-size-fits-all approach and the made-in-BC negotiations framework supports flexible and incremental approaches to achieving reconciliation. Each First Nation can determine the best pathway for their vision of self-determination and self-governance.

This year, there were a number of agreements and constructive arrangements advancing reconciliation, including the signing of the *Gaayhllxid • Gúhlagalgang “Rising Tide” Haida Title Lands Agreement*, the passing of the *Haida Nation Recognition Amendment Act*, and interim agreements achieved with Snuneymuxw First Nation, as well as with Lyackson First Nation and Cowichan Tribes.

LEGAL LANDSCAPE

The Supreme Court of Canada (SCC) released two decisions which provided legal clarity on Indigenous rights and the application of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) in Canadian law since UNDRIPA came into force.

On February 9, 2024, the SCC released its decision with regards to the constitutionality of *An Act respecting First Nations, Inuit and Metis children, youth and families* (federal legislation). The SCC unanimously upheld the validity of the federal legislation, thereby strengthening the power of Indigenous governing bodies to create and implement their own child and family services legislation through the federal legislation. It also recognizes the importance of the UN Declaration. This ruling provides legal clarity on the interaction

and prevailing of federal laws over First Nations children and family, and is paramount over provincial laws in this case.

This breakthrough ruling marks a significant advancement in Indigenous self-governance and indicates progress in the recognition of Indigenous laws within the Canadian legislative framework. Further, this case upheld that the UN Declaration is a part of Canadian law and any laws enacted must be consistent with the UN Declaration.

In the *Dickson v. Vuntut Gwitchin First Nation* decision released on March 28, 2024, the SCC upheld a provision in the Vuntut Gwitchin First Nation (VGFN) constitution requiring the elected Chief and Councillors to reside on the settlement land of the Nation: the residency requirement.

In the judgement, the SCC addressed two questions about the application of the *Canadian Charter of Rights and Freedoms* (Charter) to self-governing First Nations. The first question was whether the Charter applies to the VGFN as a self-governing First Nation. The second was whether collective First Nations and treaty rights can be given primacy over individual Charter rights by virtue of section 25 of the Charter. The majority of the SCC answered yes to both questions. In its majority judgment, the SCC outlines the application of section 25 for the first time, which will be used in future cases across all levels of courts in Canada.

In its intervenor submission, the Treaty Commission urged the SCC to affirm the importance of respecting and protecting the unique Aboriginal, treaty and other rights of Indigenous peoples, in a manner that advances reconciliation and is consistent with the UN Declaration – in particular the right to self-determination in modern treaties. The analysis and outcome of this case are consistent with the submission of the Treaty Commission that section 25 of the Charter should safeguard First Nations’ collective rights from being diminished by individual citizen rights conflicts. This interpretation of section 25 is consistent with

the UN Declaration, which has been affirmed as a universal international human rights instrument and endorsed through the enactment of federal and provincial legislations. The majority, ruling in favor of the Vuntut Gwitchin First Nation, rejecting Dickson’s challenge to the residency requirement, upholds First Nations self-government rights.

LOOKING AHEAD

This year truly has been unprecedented and there is more to come. We have witnessed bold steps being taken by First Nations and both governments to establish new mandates and approaches to expedite concluding treaty negotiations in BC. These all serve as good practices. Given that these new mandates and approaches have been thoroughly vetted and the authorities have been approved through both levels of government and by First Nations negotiators and leaders, the Treaty Commission encourages other First Nations currently negotiating to adapt the new language to expedite their negotiations. This could support and assist negotiation tables that are within reach of concluding their negotiations.

Negotiations of treaties, agreements and other constructive arrangements are future-focused and non-partisan (an important reminder in the current election time). The Treaty Commission reminds everyone to not lose sight of the intentions behind the made-in-BC negotiations framework, which are to deal with the outstanding land question in BC, to advance reconciliation – including economic reconciliation - and to strengthen our communities and economies for all First Nations, British Columbians and Canadians.

As we have seen, negotiations continue to set the tone for renewed relationships and a pathway for a more equitable and prosperous future for everyone. This work can, at times, be very challenging, however, we must continue to move forward to create vibrant, healthy communities now and into the future.

The Treaty Commission also acknowledges and welcomes the Prime Minister’s announcement at the Intergovernmental Leaders’ Forum on May 2nd, 2024, of the creation of an independent oversight body headed by a new Commissioner for Modern Treaty Implementation. With the recent Initialled Treaties and the eight Modern Treaties being implemented in BC, this provides certainty to ensure independent, credible, effective, and sustainable oversight of modern treaty implementation, and accountability that the Federal Government will honour modern treaty objectives, obligations, and relationships.

The Treaty Commission also looks forward to supporting the Parties of the Initialled Treaties in their ratification efforts.

Acknowledgements

The Treaty Commission would like to acknowledge and recognize two great First Nation leaders, Sm’oogyet Satsan Mel Bevan of Kitselas First Nation and Sm’oogyet ‘Wiidildaldil Na’algyax Gaax, Chief Don Roberts of Kitsumkalum First Nation. Both were strong lifetime leaders and advocates for their Nations and were instrumental in achieving their Nations’ Initialled Treaties. They have left strong legacies for their Nations and for the negotiations framework.

The Treaty Commission also thanks the Honourable Murray Rankin, retired Minister of Indigenous Relations and Reconciliation, for his dedication to the made-in-BC treaty negotiations process, his leadership, and his ability to work across his government and with federal partners to advance reconciliation in British Columbia. We also hold our hands up to both Commissioners Francis Frank and Clifford White for their contributions to advancing reconciliation through treaties, agreements and other constructive arrangements, and welcome incoming Commissioners Lydia Hwitsum and Grand Chief Edward John.

Hay čx^w ǰə | Thank you

Celeste Haldane

CHIEF COMMISSIONER

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women do is for office.
That my daughters will know a world where
the only glass ceilings are in green houses.*

MILESTONES AND INNOVATIONS IN NEGOTIATIONS



MILESTONES IN NEGOTIATIONS

RECONCILIATION IN ACTION

This has been a landmark year for the made-in-BC negotiations framework with a record number of treaties, agreements, and other constructive arrangements having been advanced and formalized.

The Government of Canada and the Government of British Columbia concluded substantive negotiations and initialled three modern treaties with Kitselas First Nation, Kitsumkalum First Nation and K'ómoks First Nation.

Additional milestones included the recognition of Haida title through provincial legislation, and interim agreements that were achieved with Snuneymuxw First Nation, as well as with Lyackson First Nation and Cowichan Tribes.

These build upon the foundations of the made-in-BC negotiations framework established by the 1991 *Report of the British Columbia Claims Task Force* (Task Force Report), the first treaties and earlier agreements completed in the process, and recent innovative policies and legislation. Each one of these treaties,

agreements, and other constructive arrangements reinforces the effectiveness of the negotiations framework as a means to address past wrongs and advance reconciliation, leading us towards a more prosperous and equitable future for all.

This section of the Annual Report highlights important community celebrations, reflections from leaders, and the innovations which have transformed treaty and agreement making in British Columbia.

These milestone agreements are moving beyond historic legacies of Crown denials and unilateralism, to a new nation-to-nation, government-to-government-to-government relationship based on the recognition of rights, reconciliation, respect, cooperation and partnership.



Kitselas Treaty: A Living Agreement initialling on June 24, 2024.

LIVING AGREEMENTS – MODERN TREATIES

Kitselas Treaty: A Living Agreement

Decades in the making, the *Kitselas Treaty: A Living Agreement* was initialled by chief negotiators of each of the Parties on June 24, 2024. Federal and provincial elected leaders and Ministers, Kitselas leadership, and leaders from nearby First Nations and Modern Treaty Nations gathered with community to celebrate at the Kitselas Canyon in the heart of Kitselas traditional territory.

Chief Glenn Bennett described this as a pathway to a more prosperous future: “the Kitselas Treaty will grant us greater control over our future, including ownership of our lands, self-governance, and enhanced programs and services. With the financial settlement and freedom from the constraints of the *Indian Act*, together the Citizens of Kitselas will create a better tomorrow.”¹ The initialling of this Treaty marked the first since the substantial innovations brought into the made-in-BC negotiations process, such as the shift away from a mindset of finality (“full and final”). This is made clear by the name of the Treaty: *Kitselas Treaty – A Living Agreement*.

Minister Gary Anandasangaree shared “the federal government is in the process of undoing the legacy of colonial policies and moving toward true nation-to-nation relationships based on good faith. Supporting the Kitselas Nation’s priorities for governance and community is a foundational step to renewing and strengthening our partnership, as we move forward. This treaty unlocks the transformational road ahead for Kitselas to self-determine their future – this is lasting, generational change. Today is cause for celebration.”²

1 Crown-Indigenous Relations and Northern Affairs Canada, June 24, 2024. Government of Canada. <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2024/06/kitselas-first-nation-the-government-of-canada-and-the-government-of-british-columbia-initial-the-draft-kitselas-treaty-and-take-important-step-in-.html>

2 Ibid.



Kitsumkalum Treaty: A Living Agreement

The celebrations continued in the Terrace Skeena region the next day on June 25, 2024, with the initialling of the *Kitsumkalum Treaty: A Living Agreement* by the Parties. The late Sm'ooyget Chief Don Roberts described the Treaty as “a significant step towards self-determination and brighter future for our community.”³ As the second Treaty to be completed following innovative changes, it also builds off the substantive shifts in perspective, including the fact that such agreements are to be recognized as living documents intended to lay a foundation for true reconciliation. A special signing was held at the late Sm'ooyget Chief Don Roberts' house, followed by the community celebration at the Kitsumkalum Hall.



Kitsumkalum Treaty: A Living Agreement initialling on June 25, 2024.



3 Crown-Indigenous Relations and Northern Affairs Canada, June 25, 2024. Government of Canada. <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2024/06/kitsumkalum-first-nation-the-government-of-canada-and-the-government-of-british-columbia-initial-the-draft-kitsumkalum-treaty-and-take-important-st.html>

K'ómoks First Nation Treaty: A Living Agreement

On July 22, 2024, the K'ómoks Treaty was initialled by the Province of British Columbia, the Government of Canada and the K'ómoks First Nation. Ministers, First Nations leaders, and community members celebrated this milestone, which represents a significant step forward toward K'ómoks' vision of self-determination and self-government.

Described by Elected Chief Ken Price as “the highest form of reconciliation between nations,” the initialling of the K'ómoks Treaty was the result of over three decades of negotiations.⁴ Speaking directly to the flexibility and responsiveness of the made-in-BC negotiations process, Chief Price hailed the Treaty as “the first of its kind with the inclusions of innovative changes” of the past several years, “such as the recognition of rights and title, periodic renewal, and other K'ómoks-specific winning conditions.”⁵



Minister Murray Rankin shared “decades of hard work by the negotiating teams, and deep engagement with K'ómoks members, other people throughout the region, other First Nations, local governments and industry partners have shown us what we can achieve when we work shoulder-to-shoulder.”⁶









K'ómoks Treaty initialling on July 22, 2024.

4 Crown-Indigenous Relations and Northern Affairs Canada, July 22, 2024. <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2024/07/komoks-first-nation-canada-and-british-columbia-take-important-step-to-advance-reconciliation-by-initialling-the-draft-komoks-treaty.html>

5 Ibid.

6 Ibid.

WHAT IS GIVEN UP FOR TREATY?

<p>Indian Act</p> 	<p>YES.</p> <p>After a modern treaty is ratified and comes into effect, the colonial limitations of the <i>Indian Act</i> no longer apply to Modern Treaty Nations. The Nation is self-governing and has a true nation-to-nation relationship with Canada and British Columbia.</p>
<p>Aboriginal Rights and Title</p> 	<p>NO.</p> <p>Aboriginal rights and title continue and are recognized and protected by the treaty and the Canadian Constitution. This includes the inherent rights to self-determination and self-government.</p>
<p>Traditional Territory</p> 	<p>NO.</p> <p>First Nation traditional territory is protected and recognized in the treaty as used, occupied and governed by the First Nation since time immemorial. This recognition continues.</p>
<p>Inherent Right to Self-Government</p> 	<p>NO.</p> <p>Treaties are grounded in the recognition and continuation of First Nations pre-existing inherent rights, including title and the right to self-government. Rights are not extinguished, surrendered, or modified in a modern treaty. Treaties are living agreements and partnerships between the Parties.</p>
<p>Tax Exemption</p> 	<p>NO.</p> <p>Section 87 tax exemption arrangements of the <i>Indian Act</i> continue under treaty, on the former Indian Reserves. Modern Treaty Nations have law-making authority and can decide to change these tax arrangements in the future. Similarly, Modern Treaty Nations have the same authority with regards to provincial sales tax and arrangements in the future.</p>
<p>Programs & Services</p> 	<p>NO.</p> <p>Funding and access to all programs and services continue. Modern Treaty Nations can decide to invest more funding into existing services and create new services that meet their citizens' needs.</p>

WHAT IS NEXT

The initialling of a treaty marks an important milestone in the treaty journey, as it signals the conclusion of negotiations and the start of the ratification process. First Nation ratification comes before the ratification processes of British Columbia and Canada.

Since the initiallings of the three draft treaties, the Parties continue to engage in legal and technical review toward finalizing the agreements. The First Nations and the provincial and federal governments continue with ongoing public engagement during this period, so everyone who is potentially impacted by the treaties is kept informed. The Treaty Commission also participates in public engagement. Canada and BC will also continue their consultation processes with neighbouring First Nations.

First Nation ratification begins with Eligibility and Enrolment (E&E). The E&E process involves the enrolment of eligible First Nation members to vote on the treaty. This is a very complex process, and to assist First Nations with preparations for treaty ratification, on their journey toward self-governance the Treaty Commission developed an E&E Guide.

If a majority of enrolled members of the First Nation vote in favour of the treaty, it is passed by the First Nation. The next steps are that both the Legislative Assembly of BC and the Parliament of Canada undergo their ratification processes, which include developing and passing legislation, bringing the treaty into law. The treaty is then ratified by all three Parties and is constitutionally entrenched. Following ratification, there is a transition period wherein the Parties prepare for treaty implementation and the treaty effective date.

RECOGNITION – AGREEMENTS AND CONSTRUCTIVE ARRANGEMENTS

Haida Nation

On April 14, 2024, the Government of BC and the Haida Nation signed the *Gaayhllxid • Gúhlagalgang* “Rising Tide” Haida Title Lands Agreement, recognizing Haida’s Aboriginal title throughout Haida Gwaii. This was shortly followed by the *Haida Nation Recognition Amendment Act*, the first of its kind, which was brought into force through legislation in July 2024, legally recognizing Haida title under section 35 of the *Constitution Act*, 1982.

The process is rooted in the recognition of inherent Haida rights and title, rather than outdated methods which often forced Nations into litigation against the Crown in order to prove the existence of their rights and title. Described by Gaagwiis Jason Alsop, President of the Haida Nation, as a “monumental stride”, the Agreement will serve to implement “title without conflict, based on *yahguudang / yahgudáng* (respect), with our ownership being properly recognized.”⁷

On February 8, 2024, Bill S-16, *An Act respecting the recognition of the Haida Nation and the Council of the Haida Nation*, was introduced and is at third reading in the House of Commons.



“Rising Tide” Haida Title Lands Agreement signing April 14, 2024.

⁷ Quote from Gaagwiis Jason Alsop, in: “Haida Nation, B.C. recognize Haida Aboriginal title, a historic first in Canada.” Office of the Premier, April 14, 2024. Government of BC. <https://news.gov.bc.ca/30696>.

On July 15, 2024, the Government of British Columbia returned 2.67 hectares to **Snuneymuxw First Nation** through a land transfer agreement, upholding the commitments of the Sarlequun Snuneymuxw Treaty of 1854. This is in addition to an earlier transfer this year, when on January 27, 2024, Snuneymuxw and the Government of Canada signed an Interim Land Reconciliation Agreement, which returned approximately 80 hectares of land to Snuneymuxw First Nation.

In the words of Snuneymuxw Chief Mike Wyse, the return of the “Camp Nanaimo Lands on *Te’tuxwtun*” through the Interim Land Reconciliation Agreement signed in January 2024 served as a “resolution that did not require the Nation to give up rights.”⁸ Chief Wyse recounted how in 2009, “the government at that time was firm in its position: the former DND lands would never become additions to reserve land.”⁹ With the continued work and commitment of the Snuneymuxw leadership and negotiations team, conversations changed. Against the backdrop of the Principals’ clear rejection of extinction and extinguishment within the made-in-BC negotiations process, a path towards true reconciliation continued to take shape.

On May 12, 2024, **Lyackson First Nation and Cowichan Tribes**, with the Government of British Columbia, signed an Incremental Treaty Agreement. The agreement provides land transfers to both Lyackson First Nation and Cowichan Tribes. The two Nations have embarked upon a joint inter-community memorandum of understanding in which the lands will be held in partnership until a plan is established to equally separate the land. “With the signing of this Interim Treaty Agreement, these unceded lands, which feature prominently in our oral history and hold great meaning for our families, are being returned to *Quw’utsun*,” said Chief Cindy Daniels.¹⁰



8 Crown-Indigenous Relations and Northern Affairs Canada, January 27, 2024. “Snuneymuxw First Nation and Canada Sign Historic Land Reconciliation Agreement.” <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2024/01/snuneymuxw-first-nation-and-canada-sign-historic-land-reconciliation-agreement.html>.

9 Ibid.

10 Ministry of Indigenous Relations and Reconciliation, May 11, 2024. <https://news.gov.bc.ca/releases/2024IRR0024-000734>



INNOVATIONS IN NEGOTIATIONS

The made-in-BC negotiations process continues to evolve, remaining innovative and responsive to the changing legal and political landscape of First Nations title and rights recognition and self-determination. As reported last year, there has been significant progress on longstanding policy issues, such as taxation, enforcement of laws, treaty implementation, and the implementation of the UN Declaration. These innovations are now moving forward in co-developed language agreed to by all the Parties involved in specific negotiations. Innovations are becoming reality.

This section of the Annual Report focuses on the three Initialled Treaties, as these agreements are the most detailed examples of new changes in comprehensive language that have been approved by all the Parties. Other innovations, such as title recognition in the Haida Act and Rising Tide Agreement are equally important and groundbreaking, and the Treaty Commission will report in the future as the transition to Haida jurisdiction over its title lands moves forward.

The Initialled Treaties and the innovations provide strong foundations for reconciliation and renewing the nation-to-nation relationship and should expedite negotiations for many First Nations in the made-in-BC negotiations framework.

WHAT IS NEW IN THESE TREATIES?

There are numerous innovations in the Initialled Treaties, co-developed in the negotiations by all the Parties, under new mandates and approvals. Below is a list of some of the innovations, including some specific examples from the Initialled Treaties. For a greater understanding of all the innovations and specific language, reading the full text of the Initialled Treaties is encouraged.

- Living Agreements, not full and final agreements

- Common Objectives and socioeconomic indicators
- Periodic Renewal
- Eligibility and Enrolment Membership Criteria in the First Nation Constitution
- Section 87 of the *Indian Act* tax exemptions continue
- Loan forgiveness
- Interpreted in accordance with honour of the Crown and the UN Declaration
- Recognition of Aboriginal rights and title and inherent right of self-governance
- Recognition of First Nations Laws (e.g., Kitsumkalum traditional stories and law)
- Non-extinguishment of rights
- Enforcement of laws (police, judge, prosecutors, officers, debt collection)
- Resource Revenue Sharing
- Co-management of territory

While there have been significant policy shifts that are included in the modern treaties, we will only be reporting on a select number of innovations. This next section will discuss some of these new policy shifts.

RECOGNITION AND PREDICTABILITY

In recent years government officials and First Nations have been engaged in a collaborative working group to examine key issues in negotiations with the aim to co-develop new approaches for the recognition and implementation of rights. The Treaty Commission thanks the Principals and the Parties for their openness and dedication to having frank conversations about gaps in order to develop ways forward.

This involved exploring a new recognition and predictability mechanism and procedures for the evolution of treaties after their effective dates. The new Initialled Treaties include general recognition language acknowledging that a Modern Treaty Nation has pre-existing rights within their traditional territory, including title and the inherent right to self-government. Significantly, previous legal language about ‘full and final’ settlement language has been dropped, to better reflect the unique and constitutional relationship between First Nations and the Crown.

These provisions are in the General Provisions Chapter of the Initialled Treaties. Highlighted key provisions are excerpted below, from the *Kitsumkalum Treaty: A Living Agreement*. Examples from the Initialled Treaties under the Enforcement of Laws the excerpts are from the *K’ómoks First Nation Treaty: A Living Agreement*.

*S. 41 (General Provisions Chapter (GP))
“Canada and BC recognize that Kitsumkalum has aboriginal rights within Kitsumkalum’s traditional territory, as recognized and affirmed by Section 35 of the Constitution Act, 1982”*

NEW POLICIES AND LEGISLATION

- BC’s new approach to property taxation and sales tax on former Indian Reserves for those who have or can obtain Indian Status under the *Indian Act*, 2023
- Canada’s new approach to section 87 of the *Indian Act*, whereby tax exemptions can be reinstated by a Modern Treaty Nation on former Indian Reserve lands and for those who have or can obtain Indian Status under the *Indian Act*, 2022
- *United Nations Declaration on the Rights of Indigenous Peoples Act*, 2021
- *Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples*, 2020
- *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia*, 2019
- *Declaration on the Rights of Indigenous Peoples Act*, 2019
- *Canada’s Collaborative Self-Government Fiscal Policy*, 2019
- *Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples*, 2019
- Negotiations Loan Burden Eliminated – *Investing in the Middle Class: Forgiving and Reimbursing Loans for Comprehensive Claim Negotiations, Federal Budget 2019*
- Contribution-only Funding Model for the made-in-BC treaty negotiations framework – *EQUALITY GROWTH: A Stronger Middle Class, Federal Budget 2018*
- *Principals’ Accord on Transforming Treaty Negotiations in British Columbia*, 2018

S 42 (GP) “For greater certainty, the aboriginal rights of Kitsumkalum include aboriginal title and the inherent right of self-government, as recognized and affirmed by Section 35 of the Constitution Act, 1982 and Kitsumkalum has advised Canada and British Columbia that the aboriginal rights of Kitsumkalum including aboriginal rights and title are rooted in the Kitsumkalum Adawx (laws and stories)”

There are new important interpretive provisions that make it clear that the Treaties will be interpreted according to higher principles that have been established through the courts and the international arena on Indigenous issues:

S. 8 (GP): “This Agreement shall be interpreted and implemented in a manner that is consistent with the honour of the Crown.”

S. 9 (GP): “The United Nations Declaration on the Rights of Indigenous Peoples is an authoritative source for the interpretation of this Agreement, and, accordingly, informs the Parties in their implementation of this Agreement.”

The Initialled Treaties also make clear that the idea of ‘extinguishing rights’ in exchange for a treaty is no longer required. The recognition and continuation of rights and title was the intent at the inception of the treaty negotiations process, grounded in the *Report of the British Columbia Claims Task Force* (Task Force Report), but government policies have been slow to reflect this principle. The paragraph below reflects this:

S. 49 (GP): Nothing in this Agreement or the Settlement Legislation modifies or extinguishes any aboriginal rights of Kitsumkalum, and Canada and British Columbia will not assert against Kitsumkalum that any aboriginal rights of Kitsumkalum are modified, surrendered or extinguished as a result of this Agreement or Settlement Legislation.

There are other innovations in the recognition of hereditary aspects of Indigenous governance, such as sections 13 and 14 of the Self Governance Chapter in the *Kitsumkalum Treaty: A Living Agreement*, which states that the Kitsumkalum Constitution will provide for the inclusion of the Kitsumkalum *Adawx* (laws and stories), and may include the appointment of hereditary leadership to the Kitsumkalum Government.

LIVING AGREEMENTS

The Initialled Treaties are titled “Living Agreements” due to efforts by the Parties to structure these treaties in a manner, that while constitutionally protected, can evolve and adapt in a way befitting a relationship grounded in the highest form of reconciliation.

To support the evolution of these Initialled Treaties, the Parties commit to specific treaty arrangements, such as: Periodic Renewal; Orderly Process; the review and renewal of agreements associated with the treaty; the development of Fiscal Arrangements and Fiscal Provisions over time; the evolution of consultation arrangements; existing amendment provisions; and other processes.

The Periodic Renewal provisions of each Initialled Treaty further underpin the foundation of a living agreement, providing that every 10 years the Treaties can be amended for:

- Socioeconomic indicators
- New rights determined by the Courts
- Changes to laws and policy
- Changes due to unforeseen circumstances
- Inclusion of innovations in other modern treaties and land claims agreements

During Periodic Renewal, the Parties are required to participate in the discussions and negotiations in good faith. Significantly, binding arbitration is

required if the Parties cannot agree on how to amend the treaty. If a Party fails to participate in good faith, punitive damages may be awarded.

RESTORING TAX EXEMPTIONS

Over the past two years, both the federal and provincial governments announced and have fulfilled their commitments to make significant tax policy changes. Changes were made federally to the application of section 87 of the *Indian Act* in self-government and modern treaty agreements. Modern Treaty Nations will no longer be forced to forfeit or phase-out these exemptions post effective date. Section 87 provides tax exemptions to *Indian Act* Bands and registered Status Indians under the *Indian Act* on reserve lands.¹

Similarly, the Provincial Government developed policy changes whereby Modern Treaty Nations will have provincial sales tax exemptions reinstated. These changes are not only relevant to First Nations implementing modern treaties, but also First Nations currently in the negotiations process. The loss of tax exemptions has been a tremendous challenge for First Nations' ratification of modern treaties.

ENFORCEMENT OF FIRST NATION LAWS

Enforcement of First Nations Laws has been a serious gap in the implementation of modern treaties. The expanded laws that come with self-government are meaningless if a Modern Treaty Nation cannot enforce them. This gap is now being seriously addressed in the Initialled Treaties, which contain provisions and commitments that support the enforcement of First Nation laws, giving proper respect to First Nations' self-governance.

¹ "Indian" means a person who pursuant to the *Indian Act* is registered as an Indian or is entitled to be registered as an Indian.

The goal of the new provisions in the Initialled Treaties is to include:

- Effective core and enhanced policing services on Treaty Lands, subject to Modern Treaty Nation laws
- Tools to support enforcement of Nation laws by external enforcement agencies
- Tools to support Nation enforcement of federal or provincial laws
- Ensuring Nation enforcement agents are "peace officers"
- Jurisdiction for Modern Treaty Nations to establish a Nation Court to adjudicate offences under Nation law
- Authority for the Nation to enforce laws through a simpler administrative scheme

The main provisions related to enforcement of First Nation Laws in the Initialled Treaties include four areas: core policing on Treaty Lands; enforcement of Treaty Nation Laws; mechanisms for enforcement; and correctional services. See the *K'ómoks First Nation Treaty: A Living Agreement*, Governance, p. 59 Administration of Justice for an example of a chapter setting out these.

The following section outlines these groundbreaking innovations.

CORE POLICING ON TREATY LANDS

Police must provide adequate and effective policing on Treaty Settlement Lands. The Initialled Treaties contain provisions regarding policing of federal, provincial and Nation laws on Treaty Lands. This commitment to provide adequate and effective policing is stated clearly in the K'ómoks Treaty in the Administration of Justice Chapter (p.59):

S. 1 (p. 59) "... the Minister must ensure that an adequate and effective level of policing and law enforcement is maintained on K'ómoks Lands."

The Nation has the responsibility for enforcement of Nation laws, but police have the authority to enforce Nation laws. This authority can be limited by the Nation under Nation law, if the Nation chooses. Therefore, it will be crucial for police services and BC to enter into agreements with Modern Treaty Nations, to state clearly that the police service in question has the authority to enforce First Nation laws and must enforce the Modern Treaty Nation laws. These agreements can address police reluctance to enforce Nation law because of a perceived lack authority:

S. 24. At the request of K'ómoks, British Columbia and K'ómoks will negotiate and attempt to reach agreement regarding the enforcement of K'ómoks Law by a Police Service or other provincial enforcement service, taking into account the enforcement authorities and capabilities of the different types of enforcement officers and the nature of K'ómoks Laws that will be the subject of enforcement.

The Initialled Treaties provide that the Nation can negotiate agreements with BC or Canada to enable Nation enforcement officers to enforce federal and provincial laws relating to regulatory offences under fisheries law, species at risk, migratory birds, environment and natural resource laws. Federal fisheries officers and guardians and provincial natural resource officers have default authority to enforce Nation natural resource laws.

The Initialled Treaties provide that the Nation may appoint its own enforcement officers to enforce Nations laws. Such officers will have broad enforcement powers (similar to federal and/or provincial enforcement personnel). They also allow the Nation to designate their Nation enforcement officers as peace officers when exercising their duties under Nation laws. This fundamental provision provides for the full suite of peace officer powers, protections and immunities. However, the ability of Nation officers

to carry weaponry is still under discussion, and will be essential to resolve before implementing the Initialled Treaties.

There are also a series of enforcement mechanisms and adjudication options to operationalize the enforcement and prosecution of Modern Treaty Nation laws, primarily by strengthening a First Nation's links with the provincial justice system and providing new mechanisms to enforce modern treaty law, such as: prosecutions; establishing Modern Treaty Nation Courts; appointments of Nation Court judges and enforcement services.

Modern Treaty Nations are responsible for prosecution, with several options: if there is a Nation Court, then the Nation can prosecute in the Nation Court with the First Nation's own prosecutors; if no Nation Court has been established, then the Nation can prosecute in Provincial Court; or the Nation can enter into agreements with BC or Canada related to prosecution in provincial court on behalf of the Modern Treaty Nation. Treaties provide for the authority to establish summary conviction offences and penalties with respect to those offences.

The creation of First Nation Courts, akin to Tribal Courts in the United States, is a ground-breaking innovation. The Initialled Treaties provide for the establishment and maintenance of a First Nation Court for the effective administration of Modern Treaty Nation laws. A Modern Treaty Nation would have the ability to appoint a judge to their First Nation Court, and the judge would exercise the same powers as a Provincial Court judge.

This ability to establish a Nation Court is fundamental to self-government and self-determination. It resolves the long-standing issue of Nations not being able to meaningfully enforce their laws using existing courts and provides greater access to justice.

82. *K'ómoks may make laws that provide for:*

a) the constitution, maintenance and organization of a K'ómoks Court for the effective administration of K'ómoks Laws; and

b) the appointment of K'ómoks Court Judges to K'ómoks Court.

Operational matters will be worked out in a negotiated agreement, with BC and Canada. These coordination matters are essential to meaningful enforcement and adjudication.

The Nation can appoint a Nation Court Judge to preside over the Nation Court. The Nation must put measures in place to ensure that the Nation Court Judge has judicial independence.

The following provision sets out the ability of the Nation to appoint a Nation judge:

86.a K'ómoks Court Judge has all the powers necessary to perform their duties and functions, including to:

a) exercise all the powers and perform all the duties that could be exercised or performed by a Provincial Court Judge as if the matter arose under Provincial Law or Federal Law, which for greater certainty includes:

i. committing for contempt of court;

ii. hearing a challenge to the validity, applicability or operability of any K'ómoks Law;

iii. hearing a matter arising under the Canadian Charter of Rights and Freedoms, including requests for remedies under section 24 of the Canadian Charter of Rights and Freedoms; and

iv. presiding over the trial of a person charged with an offence established under K'ómoks Law for which, on conviction, the person is liable to be sentenced to a term of imprisonment; and

b) make orders of possession with respect to K'ómoks Land, where such power is conferred under K'ómoks Law.

ADMINISTRATIVE SANCTIONS

The Initialled Treaties also set out a wide range of administrative sanctions for the enforcement of Nation Laws (i.e. fines, licence removal, personal property seizure) that can be imposed for failing to follow an administrative requirement under a Nation law. These sanctions can be reviewed by an adjudicator or a Nation Court judge. Under a treaty, Nations can appoint adjudicators to hear disputes related to administrative penalties and other administrative decisions. The Initialled Treaties also allow for additional penalties, such as seizure of real property to attach to property tax debts owing to the Nation.

The Initialled Treaties create links with the Provincial Court for enforcing Nation orders and/or the repayment of debts owing to the Nation. This link to the BC Court Services is very important as it makes available compliance remedies (i.e. contempt of court, garnishment, sheriffs, bailiffs etc.) ensuring that the orders of Nation decision-makers are on equal footing with orders from BC courts. For debts owing to the Nation, a debt certificate can be filed with the applicable court and treated as a court order for collection purposes.

CORRECTIONAL SERVICES

Canada and the Modern Treaty Nation may negotiate an agreement for the Modern Treaty Nation to establish places of confinement for federally sentenced individuals.

At the Nation's request, BC or Canada and the Nation will negotiate and attempt agreement for the Nation to provide community correctional services on Treaty Settlement Lands for Nation citizens living on Nation lands and off Treaty Settlement Lands who are in conflict with Provincial and/or Federal law.

NEGOTIATIONS UPDATE



OVERVIEW

A “First Nation” in the BC treaty negotiations process is a self-defined governing body with traditional territory in BC, established and mandated by its people to enter into negotiations with Canada and British Columbia. The treaty negotiations process affirms this principle of self-definition and nationhood.

IMPLEMENTING MODERN TREATIES (7)

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ACTIVELY NEGOTIATING (29)

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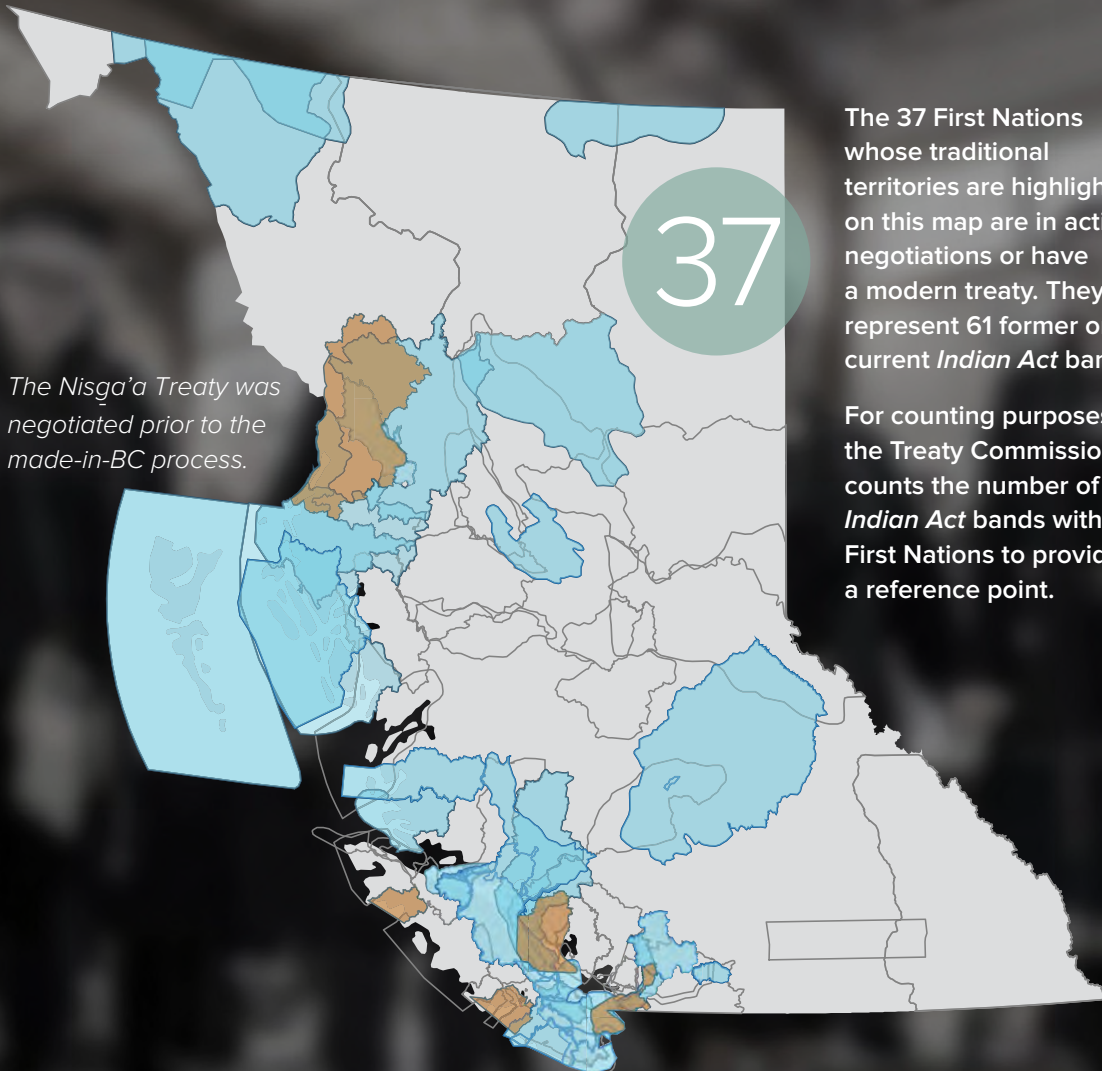
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BY THE NUMBERS



There are 30 modern treaties in Canada. Eight are in BC.



The Nisga'a Treaty was negotiated prior to the made-in-BC process.

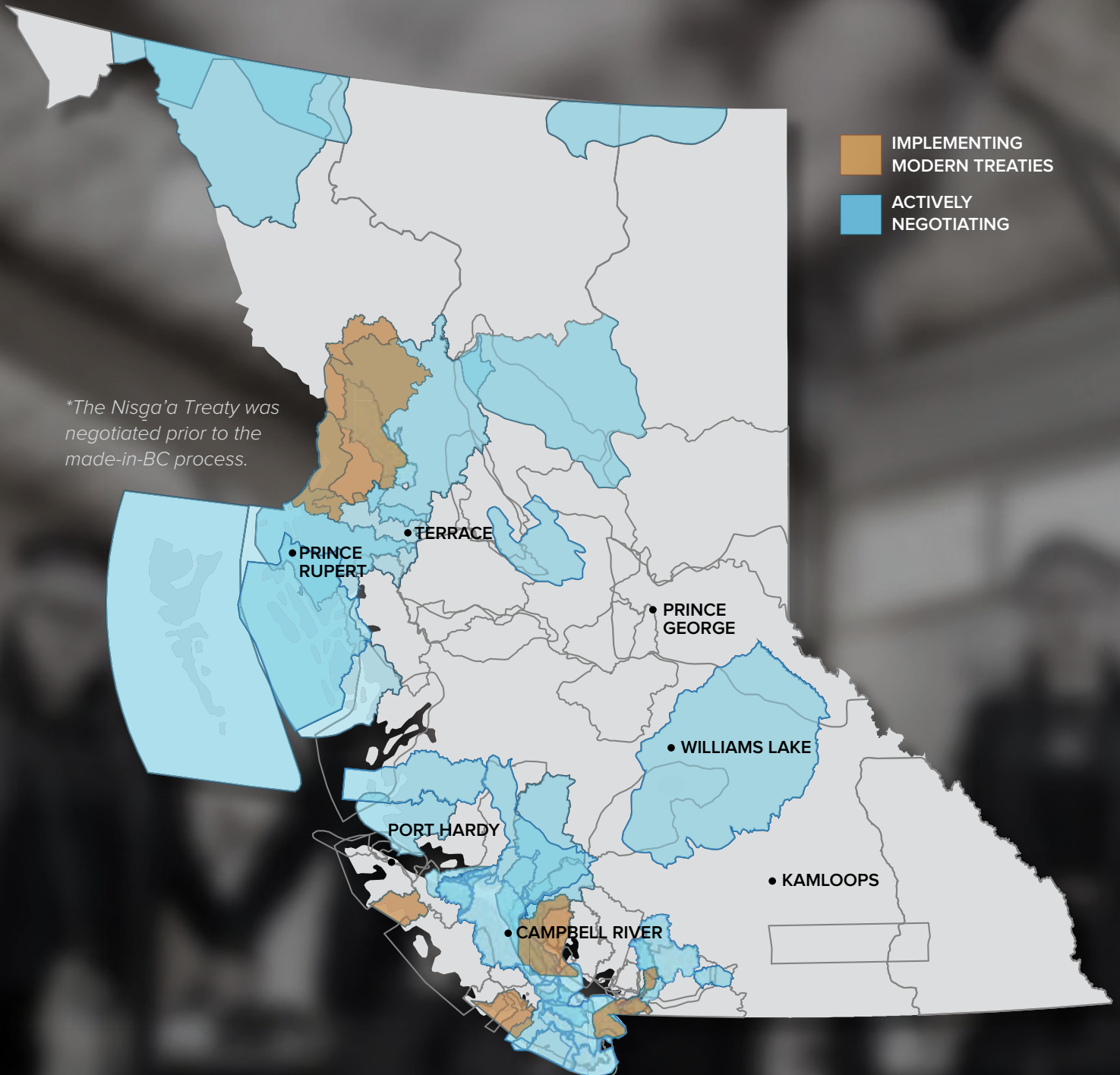
The 37 First Nations whose traditional territories are highlighted on this map are in active negotiations or have a modern treaty. They represent 61 former or current *Indian Act* bands.

For counting purposes, the Treaty Commission counts the number of *Indian Act* bands within First Nations to provide a reference point.

A MAP OF PROGRESS

The 37 First Nations whose traditional territories are highlighted on the map represent eight* Indigenous governments implementing modern treaties, and 29 First Nations in active tripartite negotiations.

In total, this map represents 61 current and former *Indian Act* bands.



IMPLEMENTING MODERN TREATIES (7)



In BC, there are eight modern treaties being implemented. Seven were negotiated through the BC treaty negotiations process.

**The Nisga'a Treaty was negotiated prior to the made-in-BC process.*

ACTIVELY NEGOTIATING (29)



An interactive map of all First Nations participating in, or have completed treaties or agreements through, the BC treaty negotiations process is available at bctreaty.ca/map

**BC TREATY
COMMISSION**



STATUS REPORTS

IMPLEMENTING MODERN TREATIES (7)



MAA-NULTH FIRST NATIONS

This year, Huu-ay-aht, Ka:'yu:'k't'h'/ Che:k'tles7et'h', Toquaht, Uchucklesaht, and Yuułu'ı̨'ı̨'pəth First Nations (known collectively as the Maa-nulth First Nations), the Government of Canada (Canada), and the Province of British Columbia (the Province/BC) celebrated the 13th anniversary of the *Maa-nulth First Nations Final Agreement* (Maa-nulth Treaty). The Maa-nulth Treaty came into effect on April 1, 2011, and is being implemented individually by each of the Maa-nulth First Nations. They continue to work collaboratively on common interests, including discussions on issues such as taxation. The Parties negotiated the treaty to provide certainty by agreeing to the continuation of the Maa-nulth First Nations' existing Aboriginal rights as treaty rights—the treaty does not extinguish their rights. The Maa-nulth Treaty provides a basis for reconciliation and a new government-to-government relationship.

The Maa-nulth Treaty recognizes the Maa-nulth First Nations' rights and jurisdiction throughout their traditional territories, including ownership of 24,550 hectares of land. It provided a one-time

capital transfer payment of \$73.1 million over 10 years. In addition, it provides \$1.2 million annually in resource royalty payments for 25 years and \$9.5 million annually for program funding.

On July 22, 2022, Canada announced changes to its requirement that modern treaties phase out section 87 tax exemptions of the *Indian Act*. Amendments to the Maa-nulth Treaty came into effect on June 23, 2023, reinstating tax exemptions on the former *Indian Act* reserve lands of each of the Maa-nulth First Nations and for Maa-nulth Treaty beneficiaries who are registered under the *Indian Act* on all other reserves in Canada. British Columbia also reinstated exemptions to provincial sales tax.

Huu-ay-aht has approximately 730 citizens; Ka:'yu:'k't'h'/Che:k'tles7et'h' has approximately 580 citizens; Toquaht has approximately 150 citizens; Uchucklesaht has approximately 250 citizens; and Yuułu'ı̨'ı̨'pəth has approximately 670 citizens. Their traditional lands and waters are located on the west coast of Vancouver Island surrounding the Barkley and Kyuquot Sounds. Maa-nulth First Nations have overlapping and/

or shared territories with their First Nation neighbours: Ditidaht, Hupačasath, Tla-o-qui-aht, and Tseshaht.

» **Huu-ay-aht First Nations**

During the past few years, Huu-ay-aht First Nations (Huu-ay-aht) has made significant progress improving community well-being and advancing infrastructure investments. In May 2022, Huu-ay-aht celebrated the opening of a new wastewater treatment plant, a 10-year project. The \$8 million project was jointly funded by Indigenous Services Canada and the Nation. In April 2022, Huu-ay-aht marked its 10-year anniversary as a full voting member of the Alberni-Clayoquot Regional District Board, and its member representative is currently the Chair. Huu-ay-aht continues to work with the Alliance of Modern BC Treaty Nations, co-developing the *Shared Priorities Framework* with the Government of British Columbia, and advancing treaty implementation.

In November 2022, Huu-ay-aht First Nations and the Province partnered to create the Oomiiqsu Centre (Aboriginal Mother Centre). This centre will include housing, support, and childcare opportunities that will help Indigenous women and children on the west coast of Vancouver Island. In August 2022, Huu-ay-aht and Western Forest Products Inc. unveiled a shared vision and path forward for C'awak ʔqin Forestry (formerly Tree Farm Licence 44). The new name means “we are one” in Nuuchahnulth. Huu-ay-aht has drawn down its lawmaking authority to enact Huu-ay-aht laws.

In October 2021, Huu-ay-aht and the Province began the jointly funded \$30.7 million Bamfield Main Road Surfacing Project, making Huu-ay-aht the first Indigenous community in Canada to lead a road infrastructure project of its size. The 76-kilometre stretch of road was completed in October 2023, significantly improving transportation safety between Port Alberni and the communities of Bamfield, Anacla, and

ABOUT THE STATUS REPORTS

- A “First Nation” in the BC treaty negotiations process is a self-defined governing body with traditional territory in BC, established and mandated by its people to enter into treaty negotiations with Canada and British Columbia. The BCTC Agreement and legislation affirms this principle of self-definition and nationhood.
- For statistical counting, the Treaty Commission counts the number of *Indian Act* bands within First Nations to provide a reference point.
- The overlap and/or shared territory information comes from each First Nation’s Statement of Intent and Readiness documents.
- Approximate population numbers are from the First Nations Community Profiles: fnp-ppn.aadnc-aandc.gc.ca

ACRONYMS

- **AIP:** Agreement in Principle
- **ITA:** Incremental Treaty Agreement
- **TRM:** Treaty Related Measure
- **TSL:** Treaty Settlement Lands

community access for Huu-ay-aht First Nations members.

On November 21, 2023, Huu-ay-aht was awarded, along with other Nations, a Premier's Award for work done on the *Indigenous Self-Government in Child and Family Services Amendment Act* (Bill 38). Bill 38 amended the *Adoption Act* and the *Child, Family and Community Service Act* to align both acts with the *United Nations Declaration on the Rights of Indigenous Peoples* (the UN Declaration).

In 2023, a Specific Claims Tribunal decision ruled that the Government of Canada breached its fiduciary duty when allowing the harvest of timber on Huu-ay-aht's Indian Reserve 9 without a licence. The compensation package is worth approximately \$35.6 million.

» **Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations**

On April 14, 2021, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations (KCFN) joined the Strathcona Regional District as full voting members of the Board. Through Tiičma Enterprises (Tiičma), the First Nation's economic development corporation, KCFN owns and operates three tourism ventures in Kyuquot Sound: Walters Cove Resort; Fair Harbour Marina and Campground; and the Purple Palace Hostel. Tiičma also oversees commercial projects such as forestry, fisheries, tourism, and retail. In November of 2023, Tiičma and KCFN were the recipients of a BC Achievement Indigenous Business Award for their commitment to capacity building, support for citizen entrepreneurship, and their provision of professional development opportunities.

In December 2021, in partnership with the New Relationship Trust, Pacific Economic Development Canada and the BC Indigenous Clean Energy Initiative, KCFN was awarded grant funding to assist with the replacement of the existing above-ground power lines and

infrastructure with an underground distribution line to improve energy efficiency in Houpsitas. Since effective date, KCFN has drawn down its law-making authority to enact KCFN laws.

» **Toquaht Nation**

Toquaht Nation (Toquaht) continued working toward the goals outlined in its 2021-2024 Strategic Plan. The First Nation undertook work to improve its infrastructure with the Active Transportation Network Plan and Implementation Strategy that focused on Macoah and Secret Beach, which included a \$350,000 funding grant to construct the Secret Beach Coastal Trail. Capital projects are ongoing, including planning for a new government building at Secret Beach. Toquaht has updated its 2016 Official Community Plan. It will address land use planning, including future housing, economic development and infrastructure needs, and set out development guidelines and standards. Community engagement on the draft plan was conducted in May 2023. In March 2024, Toquaht finalized its *Planning and Land Use Management Act*, setting out growth objectives and goals, and help guide decision-making regarding planning, land use management and economic development. Since effective date, Toquaht has drawn down its law-making authority to enact Toquaht laws. Toquaht joined the Alberni-Clayoquot Regional District board in 2016.

» **Uchucklesaht Tribe Government**

The Uchucklesaht Tribe Government (Uchucklesaht) spent the year working on economic development and community service projects. Uchucklesaht completed its new Wellness Centre in 2023 and in May 2024 named it *Našuk mah'tii*, which means strong house; it is located in the village of Ehthlateese. The centre includes a gym, offices, areas for gathering, and computer centres for staff. During Uchucklesaht's People's Assembly in March

2023, it announced its new 5-Year Economic Development Plan. The plan cites four main goals: village development; meaningful employment opportunities; revenue generation; and an above average education attainment.

Since effective date, Uchucklesaht has drawn down its law-making authority to enact Uchucklesaht laws. Uchucklesaht joined the Alberni-Clayoquot Regional District Board in 2014.

» Yuułuʔiłʔatḥ Government

Yuułuʔiłʔatḥ Government (Yuułuʔiłʔatḥ) has continued working on sustainable initiatives that protect the environment and support economic development. It has introduced a new solid waste management system and has undertaken the Hitacu Tashii Multi-Use Trail Project to improve pedestrian infrastructure and reduce reliance on carbon-emitting vehicles. Yuułuʔiłʔatḥ offered community and cultural programming for its citizens, including language classes and youth-oriented workshops.

In 2023, Yuułuʔiłʔatḥ undertook a referendum process to update their constitution to better reflect Yuułuʔiłʔatḥ identity and values and to provide clarifications about its government processes. The vote was held in May 2023—voter turnout did not meet the 50 per cent required threshold. As of late 2022, Yuułuʔiłʔatḥ holds a voting seat on the Tourism Ucluelet board of directors.

Yuułuʔiłʔatḥ operates a satellite office in the Uchucklesaht Government Building in Port Alberni to support their local members. In 2020, the First Nation assumed responsibility for all child protection services. Yuułuʔiłʔatḥ currently owns and operates Wya Point Resort, Wya Welcome Centre, and the Thornton Motel.

Since effective date, Yuułuʔiłʔatḥ has drawn down its law-making authority to enact Yuułuʔiłʔatḥ laws. Yuułuʔiłʔatḥ joined the Alberni-Clayoquot Regional District Board in 2012.

TLA'AMIN NATION

This year, Tla'amin Nation (Tla'amin), Canada, and British Columbia celebrated their eighth treaty anniversary. The *Tla'amin Final Agreement* (Tla'amin Treaty) came into effect on April 5, 2016. The treaty provides certainty by agreeing to the continuation of Tla'amin's existing Aboriginal rights as treaty rights—the treaty does not extinguish Tla'amin rights. The treaty provides a basis for reconciliation and a new government-to-government relationship.

Tla'amin continues to advance governance and enhance services to improve the well-being of all citizens. In February 2024, construction began on a *ʔams ʔaye* (*Our House*) Cultural Centre and a traditional foods processing facility. *ʔams ʔaye*, which will feature a small museum to hold cultural artifacts, and will be instrumental in promoting Tla'amin culture and well-being. The traditional foods processing facility will serve as a home base for Elders and knowledge keepers to share wisdom about procuring and preparing traditional and cultural foods, while also promoting food security. Funding contributions for these projects have come from Canada and the Province.

Housing was prioritized both on Tla'amin lands and in the surrounding area. This has led to wide-scale health and safety restorations for Tla'amin homes. On August 30, 2024, Tla'amin held a ground blessing for the new *ʔagayqsen* Lane Subdivision. The subdivision will include 14 lots of land, 11 of which will be used for market housing and 3 of which will be used for Nation owned rental homes. Tla'amin plans to donate more than \$1.3 million worth of land to help its citizens on their home ownership journeys. The Nation anticipates more than 50 citizens being housed through this project.

In October 2023, Tla'amin signed a Memorandum of Understanding with the Province that commits to protecting *tiskʷat*, the Nation's village site. The agreement, titled

yixmetštam tiskʷat (we are going to protect *tiskʷat*) outlines three protocols on how Tla'amin and BC will work together. These include economic development, environmental stewardship, and Tla'amin's goal for the land to be returned. Plans for the land include clean fuel production and housing. This led to the signing of a planning together protocol for *tiskʷat*, (*qat^əxwεʔεθot tiskʷat*), in June 2024, between Tla'amin and the Province. The agreement sets out how the Parties will collaborate to protect Tla'amin cultural property and treasures that were uncovered earlier at the *tiskʷat* mill site.

The Tla'amin Treaty recognizes Tla'amin rights and jurisdiction throughout its traditional territory, including ownership of 8,323 hectares of land. It included a one-time capital transfer payment of approximately \$31.1 million over 10 years, economic development funding of approximately \$7.3 million, and a fishing vessel fund of \$300,000. Tla'amin also receives \$700,000 annually in resource revenue sharing payments for 50 years. Since effective date, Tla'amin has drawn down its law-making authority to enact Tla'amin laws.

On July 22, 2022, Canada announced a change to its requirement that modern treaties phase out section 87 tax exemptions of the *Indian Act*. Amendments to the Tla'amin Treaty came into effect on June 23, 2023, continuing tax exemptions on the former Tla'amin reserve lands and for Tla'amin treaty beneficiaries who are registered under the *Indian Act* on all other reserves in Canada. British Columbia also reinstated exemptions to provincial sales tax.

There are approximately 1,220 Tla'amin citizens, with traditional lands and waters around the Powell River area, including Lasqueti and Texada Islands, and down through Cortes Island and the Comox Valley. Tla'amin has overlapping and/or shared territory with its First Nation neighbours: Hul'qumi'num, K'ómoks, Klahoose, Kwiakah,

Homalco, Sechelt, Snaw-naw-as, We Wai Kai, Wei Wai Kum, and Qualicum.

TSAWWASSEN FIRST NATION

This year, Tsawwassen First Nation (Tsawwassen), Canada, and British Columbia celebrated their 15th treaty anniversary. The *Tsawwassen First Nation Final Agreement* (Tsawwassen Treaty) came into effect on April 3, 2009. The Parties negotiated the treaty to provide certainty by agreeing to the continuation of Tsawwassen's existing Aboriginal rights as treaty rights. The treaty provides a basis for reconciliation and a new relationship on a government-to-government-to-government basis. The treaty does not extinguish Tsawwassen rights. After reaching the 15th anniversary on April 3, 2024, Tsawwassen now has the opportunity to initiate Periodic Review to identify and discuss any changes to the Tsawwassen Treaty. Engagement with the community on the Periodic Review has taken place through online surveys, family meetings, and off-land sessions in the Okanagan Valley and the United States.

Over the last year, Tsawwassen focused on community priorities, particularly on policy and intergovernmental affairs, economic development, resource management, and construction. In November 2022, Tsawwassen established a new Treaty Rights and Title Department, which will advance the First Nation's strategic interests with other external partners and governments. In December 2022, Tsawwassen finalized a landmark agreement with the Beedie Group for a 60-year lease of Tsawwassen's industrial lands resulting in a \$51 million payment to the First Nation, as well as, a range of benefits for members. These benefits include opportunities for training and employment, opportunities for members to bid on contracts, and financial contributions to Tsawwassen's community projects. Tsawwassen has embarked on a number of construction projects. This includes work on Tsawwassen's Elders Centre which has been underway since fall 2022. In addition

to this, construction on a 36-unit family housing development has been completed. All 36 units are occupied; 95 per cent are occupied by Tsawwassen members. On March 9, 2023, Tsawwassen's legislators enacted the *Appropriations Act*, which outlines local government and member expenditures. In 2024, Tsawwassen began the process of incorporating 11 parcels of land at Brunswick Point as outlined in the Tsawwassen Treaty. The 11 parcels, which total approximately 173 acres, are currently within the boundaries of the City of Delta, adjacent to Tsawwassen treaty lands.

On July 22, 2022, Canada announced a change to its requirement that modern treaties phase out section 87 tax exemptions of the *Indian Act*. Amendments to the Tsawwassen Treaty came into effect on March 27, 2023, reinstating the tax exemptions on former Tsawwassen reserve lands and for Tsawwassen Treaty beneficiaries who are registered under the *Indian Act* on all other reserves in Canada. British Columbia also reinstated exemptions to provincial sales tax.

The Tsawwassen Treaty recognizes Tsawwassen rights and jurisdiction throughout its traditional territory, including ownership of 724 hectares of land. The treaty delivered a one-time capital transfer payment of \$13.9 million over 10 years, as well as \$2 million for relinquishing mineral rights under English Bluff, \$13.5 million for start-up and transition costs, and \$7.3 million for resource management and economic development. The treaty also commits the federal and provincial governments to providing annual funding for ongoing programs and services. Since effective date, Tsawwassen has drawn down its law-making authority to enact Tsawwassen laws. Tsawwassen joined the Metro Vancouver Regional District in 2009.

There are approximately 520 Tsawwassen members, with traditional territory in the Lower Mainland, from the watersheds that flow into Pitt Lake, to Burns Bog and to the Salish Sea,

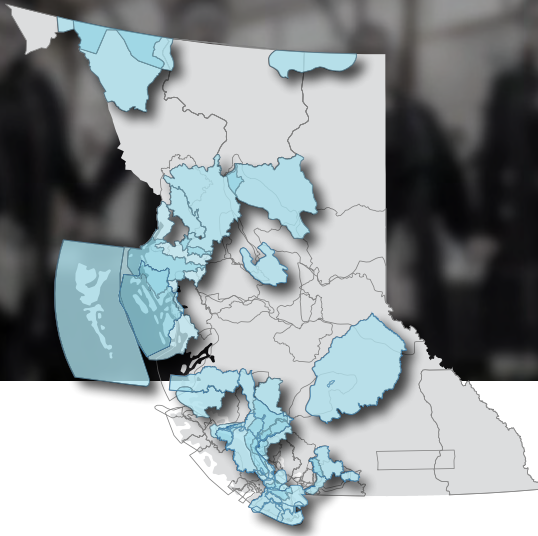
and includes Salt Spring, Pender, and Saturna Islands. Tsawwassen has overlapping and/or shared territory with its First Nation neighbours: Cowichan Tribes, Hwlitsum, Katzie, Musqueam, Stó:lō, Tseil-Waututh, and Semiahmoo.

ALLIANCE OF BC MODERN TREATY NATIONS

For the past four years, all eight Modern Treaty Nations in BC have been working collaboratively to address their shared treaty implementation issues through the Alliance of BC Modern Treaty Nations (the Alliance). In March 2022, the *Shared Priorities Framework*, co-developed by the Alliance and the Province, was released. The framework renews a commitment to effective implementation of modern treaties, recognizing that modern treaties provide a blueprint for reconciliation and a foundation for government-to-government-to-government relationships based on mutual respect and established treaty rights. The shared priorities are to: establish fiscal arrangements to fulfil treaty rights and obligations; establish meaningful participation of Modern Treaty Nations in the Province's legislative and policy initiatives; and establish organization and policy changes in the provincial Public Service to advance a whole-of-government approach to treaty implementation. The Alliance meets regularly on issues requiring joint action, including the future of government-to-government-to-government relations, the provincial *Declaration on the Rights of Indigenous People Action Plan*, policing and enforcement, fiscal relations, co-management of fisheries, and shared decision-making for their lands and resources. On July 24, 2018, Huu-ay-aht, Ka:'yu:k't'h'/ Che:k'tles7et'h', Tla'amin, Toquaht, Tsawwassen, Uchucklesaht, and Yuułu?iŋ?atŋ First Nations established the Alliance through the signing of a Memorandum of Cooperation, witnessed by the BC Treaty Commission. In November 2019, Nisga'a Nation joined the Alliance, which now represents all eight Modern Treaty Nations in BC.

STATUS REPORTS

ACTIVELY NEGOTIATING (29)



ACHO DENE KOE

The Acho Dene Koe (ADK) treaty table is in Stage 2. The Parties have been discussing the possibility of a tripartite exploratory table. There are approximately 725 ADK members, with traditional lands and waters spanning three jurisdictions: BC, Yukon, and the Northwest Territories. The ADK main community is Fort Liard, north of the BC/Northwest Territories border, and it maintains a small settlement at François Lake in northern BC. ADK has overlapping and/or shared territory in BC with its First Nation neighbours: Kaska Dena Council, Liard, Ross River Dena, and Fort Nelson.

ALLIED TRIBES OF LAX KW'ALAAMS

The Allied Tribes of Lax Kw'alaams (Lax Kw'alaams) table is pursuing tripartite reconciliation negotiations. Lax Kw'alaams have made progress regarding fiscal matters, lands work, good faith measures and governance. This year, the reconciliation table has undertaken extensive community engagement related to the

UN Declaration, its draft constitution, law-making, and governance initiatives.

There are approximately 4,100 Lax Kw'alaams members, with traditional lands and waters located on the northwest coast of BC, spanning Port Simpson, Prince Rupert, and the Skeena River. Lax Kw'alaams has overlapping and/or shared territory with its First Nation neighbours: Haisla, Gitxaala, Kitselas, Kitsumkalum, Metlakatla, and Nisga'a.

CARCROSS/TAGISH FIRST NATION

Carcross/Tagish First Nation (Carcross/Tagish) negotiates at a common table with Teslin Tlingit Council (Teslin Tlingit). The table is in Stage 4 negotiations. Both Carcross/Tagish and Teslin Tlingit are self-governing in the Yukon, with traditional territory in BC. In the past year, the table focused on land and water use planning, parks, governance work, and treaty chapter language. Carcross/Tagish continues to engage

with neighbouring First Nations on overlap/ shared territory matters. TRM funding supported collaborative land planning.

There are approximately 745 Carcross/Tagish members, with traditional lands and waters spanning the Yukon/BC border. Carcross/Tagish has overlapping and/or shared territory with its First Nation neighbours: Champagne and Aishihik, and Taku River Tlingit.

COUNCIL OF THE HAIDA NATION

The Council of the Haida Nation (Haida) table continues to pursue tripartite reconciliation negotiations to address Haida title and rights. The negotiation agenda includes priority and long-term topics for reconciliation that will redefine the relationship between Haida, Canada, and British Columbia. This includes work on governance, land and resource interests, culture, and economic opportunities.

In July 2023, the Parties concluded the signing of the *Nang K'uula • Nang K'úulaas Recognition Agreement* which recognizes Haida as the holder of Haida title and rights, the inherent rights of governance and self-determination of the Haida Nation, and the Council of the Haida Nation as the governing body of the Haida Nation. This is supported by the *Haida Nation Recognition Act*, which was passed by the Government of British Columbia on May 9, 2023, and recognizes that the Haida Nation has inherent rights of governance and self-determination. This is also supported by federal legislation, Bill S-16 (*An Act respecting the recognition of the Haida Nation and the Council of the Haida Nation*), which is currently at third reading in the House of Commons.

In August 2021, the Parties signed the *GayGahlda "Changing Tide" Framework for Reconciliation* (*GayGahlda Agreement*). This agreement commits the Parties to reconciliation negotiations based

on a process of *Til Yahda* (making things right) with the Haida. It also describes a path forward based on a series of milestones that build on each other over time, all with the objective to implement Haida title and rights.

On April 14, 2024, the province of British Columbia and Haida signed the *Gaayhllxid • Giihlagalgang "Rising Tide" Haida Title Lands Agreement*, in which the Provincial Government recognizes Haida's Aboriginal title throughout Haida Gwaii, meaning land on Haida Gwaii is formally recognized as Haida Aboriginal title lands. Following the agreement, the Province introduced the *Haida Nation Recognition Amendment Act*, which was subsequently passed and went into effect on July 5, 2024. The Amendment Act legally recognizes Haida title under section 35 of the *Constitution Act*, 1982, and engages the honour of the Crown.

Over time, the Province and the Haida Nation will work together to transition jurisdiction on Haida Gwaii, through an orderly process, with engagement with local governments, residents and others with interests on Haida Gwaii.

These agreements and the legislation are explicit: recognizing Aboriginal title will not impact anyone's private property, local government jurisdiction, public infrastructure, programs, services, or bylaws on Haida Gwaii. During this transition process, land and resource decisions will continue to be made through existing processes and provincial laws continue to apply through the transition process. Provincial leases, permits, or other approvals to use areas of land remain in effect.

There are approximately 5,000 Haida members, with traditional lands and waters spanning Haida Gwaii. Under the *GayGahlda Agreement*, Haida will continue to formalize agreements with neighbouring First Nations as to their respective territorial boundaries with Haida Gwaii.

DITIDAHT FIRST NATION

The Ditidaht First Nation (Ditidaht) treaty table is in Stage 5 negotiations and continues to make significant progress. This includes protecting and securing the ecological integrity and biodiversity of Ditidaht lands, as well as their rights, culture and way of life through shared decision-making arrangements. Over the past year, negotiations have heavily centered around a number of federal and provincial side agreements. Additionally, the Parties have continued to review draft treaty chapters to update the AIP that was signed with Pacheedaht First Nation in June 2019. TRM funding supported shared decision making and water reservations.

The Ditidaht and Pacheedaht AIP sets out the basis for finalizing treaty negotiations, with separate treaties for each Nation. Ditidaht will have ownership of approximately 6,106 hectares of land, including former reserves, and a capital transfer of approximately \$39.9 million. The treaty will: recognize and protect inherent Ditidaht title and rights; establish how the First Nation's laws will interact with federal and provincial laws; recognize harvesting and resource rights throughout its territory; and establish the land, capital transfer, and governance provisions of the treaty.

There are approximately 770 Ditidaht members, with traditional lands and waters spanning the southwestern corner of Vancouver Island. Ditidaht has overlapping and/or shared territory with its First Nation neighbours: Huu-ay-aht, Lake Cowichan, and Pacheedaht.

GITANYOW HEREDITARY CHIEFS

The Gitanyow Hereditary Chiefs (Gitanyow) treaty table is in Stage 4 negotiations. Gitanyow is pursuing an incremental reconciliation pathway. In the past year, negotiations have focused on rights and title recognition, governance, and

economic interests. Gitanyow has continued to engage through intensive mediation with neighbouring First Nations on wildlife, water management, parks, timber sales, economic projects, and historical matters.

On September 28, 2022, Gitanyow and British Columbia celebrated the 10-year anniversary of the Gitanyow *Lax'yip* Land Use Plan (LUP). The LUP protects 51 per cent of the Gitanyow *Lax'yip* and depicts *Wilp* boundaries, as well as title and rights holders. It is Gitanyow's reconciliation model for lasting agreements.

In August 2021, the Parties signed the *Gitanyow Governance Accord*, setting out a path toward revitalizing and legally recognizing the Gitanyow hereditary governance system of *Huwilp* (Houses). This year, the Parties have focused on securing the resources to develop the Gitanyow hereditary governance model, which includes core governance funding, a *Wilp* hereditary membership system, constitution updates, and a traditional law registry. The Parties are engaging in "title by agreement" discussions.

There are approximately 2000 Gitanyow *Wilp* members, with traditional lands and waters spanning the upper Kitwanga and Nass watersheds, and the upper Kispiox River in the Swan Lakes area. Gitanyow has overlapping and/or shared territory with its First Nation neighbours: Gitxsan and Nisga'a.

GITXAAŁA NATION

The Gitxaala Nation (Gitxaala) treaty table is pursuing tripartite reconciliation. In March 2023, Gitxaala celebrated the return of the Grizzly Bear *Pts'aan* (Totem Pole), the first cultural item to be returned through Gitxaala's repatriation project. Gitxaala is working toward construction of a longhouse and cultural centre, advocating for its rights and title, and has pursued economic opportunities by acquiring the Crest Hotel in Prince Rupert.

There are approximately 2,100 Gitxaala members, with traditional territory and waters spanning the northwest coast, including the Prince Rupert area. Gitxaala has overlapping and/or shared territories with its First Nation neighbours: Lax Kw'alaams, Haisla, and Tsimshian.

GITXSAN HEREDITARY CHIEFS

The Gitxsan Hereditary Chiefs (Gitxsan) treaty table is in Stage 4 negotiations. The Parties continue to engage on tripartite and bilateral negotiations that support Gitxsan hereditary governance, and are making significant progress on a relationship agreement that outlines how the Gitxsan *Huwilp* (Houses) Government interacts and coexists with the governments of Canada and BC. The Parties are focused on governance, fisheries, and jurisdiction over watersheds.

There are approximately 8,000 Gitxsan members. The Gitxsan Hereditary Chiefs represent the majority of Gitxsan house groups and membership. Gitxsan traditional territory spans the Hazelton area and watersheds of the upper Skeena and Nass rivers. Gitxsan has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani, Gitanyow, Nisga'a, Tahltan, Tsay Keh Dene, Tsimshian, and Wet'suwet'en.

GWA'SALA-'NAKWAXDA'XW NATIONS

The Gwa'sala-'Nakwaxda'xw Nations (GNN) treaty table is in Stage 5 negotiations. Throughout the year, GNN has continued to make significant progress on their language, culture, and *Gukwdzi* (Big house) projects and continues to advance community engagement efforts. Key negotiations priorities include fisheries, lands governance, housing, and children and families. Progress has also been made on treaty chapter language.

In December of 2023, Hereditary Chiefs from GNN met with representatives from the Royal BC Museum to finalize an agreement for the repatriation of their *kikasu* (treasures) in time for the opening of their new *Gukwdzi*. The items include nearly 40 sacred carvings, *Hamatsa* masks and other regalia.

On September 12, 2024, in a historic ceremony held in Port Hardy between GNN, Canada and BC, where the Parties signed a coordination agreement to affirm and restore jurisdiction over children and families. The coordination agreement outlines a common understanding, the specific roles and responsibilities of all Parties, and includes financial resources from both Canada and BC.

GNN is deeply committed to preserving its language and culture and have woven these principles into the very fabric of the *Aux'stila du ginganam* (taking care of our children) Child and Family Protection and Support Law to assist in reconnecting children and youth to their families, teaching them that they belong, and rooting them to the Nation.

There are approximately 1,115 GNN members. Many reside at the Tsulquate reserve where the community was relocated in 1964. GNN traditional lands and waters span the BC mainland across from the northern tip of Vancouver Island. GNN has overlapping and/or shared territory with its First Nation neighbours: Kwicksutaineuk, Kwawa-aineuk, Kwakiutl, 'Namgis, Tlatlasikwala, Tsawataineuk (Dzawada'enuxw), and Wuikinuxv.

HOMALCO FIRST NATION

The Homalco First Nation (Homalco) treaty table is in Stage 4 negotiations. Homalco developed a communications strategy and workshop series to provide their members with information on their treaty negotiations. In August 2024, Homalco celebrated the groundbreaking of their

new childcare centre, which will see families and children living on Homalco lands and in Campbell River benefiting from 79 new childcare spaces. This year, Homalco continued to work closely with neighbouring First Nations to further develop nation-to-nation protocols. TRM funding helped support the Incremental Approach to Enhance Land and Marine Resource Governance Initiative, which will support the enhancement of information management systems and methodologies necessary to provide Homalco with valuable and reliable information.

There are approximately 485 Homalco members, with traditional territory spanning from Phillips Arm, west of the mouth of Bute Inlet, to Raza Passage and Quantum River, to Stuart Island, and Bute Inlet and its watershed. Homalco has overlapping and/ or shared territory with its First Nation neighbours: K'ómoks, Klahoose, Qualicum, Wei Wai Kum, Kwiakah, Tla'amin, Tlowitsis, and We Wai Kai.

HUL'QUMI'NUM TREATY GROUP

The Hul'qumi'num Treaty Group (Hul'qumi'num) treaty table is in Stage 5 negotiations. Over the past year, Hul'qumi'num has continued to work internally on lands work. On May 11, 2024, Lyackson, Cowichan Tribes and the Government of British Columbia signed a historic ITA, enabling the return of 312 hectares of culturally significant land. The agreement, which is the culmination of 30 years of hard work, will allow Lyackson to secure a land base for its members and will support Cowichan Tribes' community development priorities. As a part of this ITA Cowichan and Lyackson entered into a partnership MOU.

In November 2023, Cowichan citizens voted to reclaim child and family services from the Province. This led to Cowichan and the provincial and federal governments signing a coordination agreement in June 2024 that supports the

implementation of the Laws of the Cowichan People for Families and Children (*Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqw'a l' Smun'eem*). The governments of Canada and British Columbia have also agreed to provide funding to Cowichan to ensure that the agreement is appropriately resourced.

There are approximately 7,110 Hul'qumi'num members, with traditional lands and waters spanning part of southern Vancouver Island and sections of the Salish Sea. Hul'qumi'num represents five communities: Cowichan Tribes; Halalt, Lake Cowichan; Lyackson; and Penelakut. Hul'qumi'num has overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Hwlitsum, Katzie, K'ómoks, Kwikwetlem, Musqueam, Qualicum, Sechelt, Semiahmoo, Sts'ailes, Snuneymuxw, Stz'uminus, Te'mexw, Tla'amin, Ts'elxweyeqw, Tsawwassen, Tsleil Waututh, and Yale.

K'ÓMOKS FIRST NATION

On July 22, 2024, K'ómoks First Nation (K'ómoks), the Province of British Columbia, and the Government of Canada initialled their treaty. Upon completing this momentous step, K'ómoks will begin their eligibility and enrolment process. K'ómoks plans to hold a community ratification vote in 2025, which, if successful, will then trigger both the Government of Canada and the Government of British Columbia's ratification processes. The full ratification process is expected to take about three years, with the treaty coming into effect in 2028 at the earliest. K'ómoks, along with neighbouring First Nations, are continuing collaborative discussions on overlap and shared territories. The treaty was built on the K'ómoks AIP, which was signed on March 24, 2012, and set out the basis for finalizing treaty negotiations. The treaty will: recognize and protect inherent K'ómoks title and rights; establish how the First Nation's laws interact with federal and provincial laws; recognize harvesting and resource rights

throughout its territory; and establish the land, capital transfer, and governance provisions of the treaty.

K'ómoks continues to collaborate alongside four other nations at the A-Tlegay common fish table: Tlowitsis, We Wai Kai, Wei Wai Kum, and Kwiaakah First Nations.

On April 5, 2024, K'ómoks, along with three other members of the N̄nwaḱolas Council, We Wai Kai, Wei Wai Kum, and Tlowitsis First Nations, celebrated an agreement with Western Forest Products Inc. Through this historic agreement, the four Nations acquired a 34 per cent interest stake in the lumber company and consists of 157,000 hectares of forest land on eastern Vancouver Island, including Sayward and Campbell River.

TRM funding supported constitution ratification (currently in phase 4), which would increase engagement on the constitution in advance of the constitution vote in 2025. Further TRM funding will support the Change Management Strategy & Plan (currently in phase 2), as well as funding a financial blueprint for the future, which will provide the treaty team, leadership, administration, and other members with a strategic approach for identifying, allocating, and managing the one-time and ongoing funding that comes with the K'ómoks Treaty. K'ómoks continues to work in collaboration with Tlowitsis, We Wai Kai, Wei Wai Kum, and Kwiaakah First Nations to develop a fish reconciliation agreement between the five Nations and the federal government.

There are approximately 350 K'ómoks members, with traditional territory spanning the central eastern part of Vancouver Island, extending into Johnstone Strait. K'ómoks has overlapping and/or shared territory with its First Nations neighbours: Homalco, Hul'qumi'num, Snaw-naw-as, Nuu-chah-nulth, Sechelt, Snuneymuxw,

Tla'amin, Te'mexw, Tlowitsis, We Wai Kai, Wei Wai Kum, and Kwiaakah.

KATZIE FIRST NATION

The Katzie First Nation (Katzie) treaty table is in Stage 4 negotiations. The Parties are pursuing an incremental approach to treaty, and continue working to recognize, protect, and exercise Katzie's inherent rights and title. The Parties have focused on land and resource management work, self-governance, and have worked to identify and support economic opportunities. Katzie increased government-to-government-to-government engagement efforts and continues to work toward an updated election code.

In 2023, Katzie unveiled plans to construct a new 17-acre light industrial complex called the Eagle Meadows Business Park, which will be located in the northeast corner of Katzie's Reserve 1. The new business park will include two light industrial buildings with approximately 367,000 square feet of industrial space for lease. It will also include three cultural nodes that will highlight history, culture and the importance of the Nation in the area.

Also in 2023, Katzie announced a partnership with the Age of Union environmental group to restore salmon runs and help protect wildlife in the Pitt River Watershed. Age of Union has financed the purchase of 733 acres in the Upper Pitt River Valley, at a cost of \$6 million. The land, which falls within Katzie's traditional territory will become a conservation zone.

There are approximately 655 Katzie members, with traditional territory spanning Pitt Meadows, Maple Ridge, Coquitlam, Surrey, Langley, and New Westminster. Katzie has overlapping and/or shared territory with its First Nation neighbours: Samahquam and Skatin, Kwikwetlem, Kwantlen, Musqueam, Squamish, Stó:lō, Tsawwassen, Hul'qumi'num, and Tsleil-Waututh.

KLAAHOOSE FIRST NATION

The Klahoose First Nation (Klahoose) treaty table is currently in Stage 4 negotiations. Over the past year, the Parties continued working to finalize AIP chapters and appendices. There has been progress concerning several chapters including Environmental Assessment and Protection, Governance, Access, Dispute Resolution, Wildlife, and Migratory Birds. Engagement with community and with neighbouring First Nations is ongoing. The Parties have continued working on Environmental Assessment language. TRM funding is supporting Klahoose TSL selection research and analysis (currently in phase 3), which will build upon the two previous stages of TRM-funded work to support Klahoose developing a TSL proposal to advance land and cash negotiations.

There are approximately 460 Klahoose members, with traditional territory and waters spanning from Cortes Island to Toba Inlet. Klahoose has overlapping and/ or shared territory with its First Nation neighbours: Homalco, Kwiakah, Wei Wai Kum, We Wai Kai, and Tla'amin.

KWIAKAH FIRST NATION

Kwiakah First Nation treaty table is in Stage 4 negotiations. In April 2024, Wei Wai Kum and Kwiakah First Nations decided to embark on separate negotiations. In July 2019, the Parties signed the *Wei Wai Kum/Kwiakah Transition to Stage 5 and Treaty Revitalization Agreement*. The Parties have focused on issues of self-government, lands, and shared territories. Kwiakah's focus has been centered on lands, fiscal matters, shared decision-making, and governance. The negotiations will continue to be guided by the 2019 Transition Agreement.

On May 24, 2024, Kwiakah signed a tripartite agreement for a new Special Forest

Management Area (SFMA) with the province of British Columbia and Interfor. *The Maćinux^w SFMA* will support regenerative forestry and conservation and covers 7,865 hectares within the Great Bear Rainforest.

Kwiakah continues to collaborate alongside four other nations at the A-Tlegay common fish table: Tlowitsis, We Wai Kai, Wei Wai Kum, and K'ómoks First Nations.

There are approximately 20 Kwiakah members, with traditional lands and waters spanning the east-central area of Vancouver Island and mainland coastal watersheds. Kwiakah has overlapping and/or shared territory with its First Nation neighbours: Homalco, Klahoose, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, Mowachaht/Muchalaht, 'Namgis, Snaw-naw-as, Qualicum, Snuneymuxw, Da'naxda'xw/Awaetlala, Tlowitsis, Tla'amin, We Wai Kai, and Wei Wai Kum.

NORTHERN SHUSWAP TRIBAL COUNCIL

The Northern Shuswap Tribal Council (Northern Secwepemc te Qelmucw or NStQ) treaty table is in Stage 5 negotiations. This past year, tripartite discussions continued with the NStQ Children and Family Steering Committee regarding the reclamation of jurisdiction over children and families. The Parties advanced treaty language for land title, general provisions, ratification, education, and implementation. Tripartite co-development of a fish mandate is ongoing. NStQ and BC continue to work on land transfers to the four communities through the implementation of ITAs. In August 2024, Williams Lake First Nation signed a Joint Development Agreement with West Fraser combining tenure volumes into a single First Nations Woodland License (FNWL). The FNWL will be held by Williams Lake First Nation. NStQ continues community engagement through citizen's assemblies, community and urban treaty meetings and land tours, and

has begun to create long lasting government-to-government relationships with the Cariboo Regional District through engagement initiatives and information sessions.

There are approximately 2,820 NStQ members, with traditional territory spanning the central Cariboo, from Valemount and McBride in the northeast, to south of Clinton, and west of the Fraser River. Northern Shuswap Tribal Council is made up of four communities: Tsq'escen' (Canim Lake), Stswecem'c/Xget'tem (Canoe Creek/ Dog Creek), Xat'sūll/Cmetem' (Soda Creek), and T'exelc (Williams Lake). NStQ have overlapping and/or shared territory with its First Nation neighbours: Lheidli T'enneh, Lhtako Dene, Esk'etemc, High Bar, T'silhqot'in, and other Secwepemc Nations.

PACHEEDAHT FIRST NATION

The Pacheedaht First Nation (Pacheedaht) treaty table is in Stage 5 negotiations. Over the past year, the Parties have continued work on federal and provincial parks co-management, marine governance, and fisheries. TRM funding supported lands management and water resource work.

The Ditidaht and Pacheedaht AIP was signed on June 28, 2019, setting out the basis for finalizing treaty negotiations, with separate treaties for each First Nation. Pacheedaht will have ownership of approximately 1,897 hectares of land, including former reserves, and a capital transfer of approximately \$19.7 million. The treaty will: recognize and protect inherent Pacheedaht title and rights; establish how the First Nation's laws interact with federal and provincial laws; recognize harvesting and resource rights throughout its territory; and establish the land, capital transfer, and governance provisions of the treaty.

In November 2023, Pacheedaht and the Government of Canada signed a licence of occupation agreement returning stewardship of ?A:?b?e:?s (Middle Beach) to the Nation in advance of the treaty settlement.

There are approximately 295 Pacheedaht members, with traditional lands and waters spanning the southwestern corner of Vancouver Island. Pacheedaht has overlapping and/or shared territory with its First Nation neighbours: Ditidaht, Huu-ay-aht, T'Sou-ke, and Lake Cowichan.

SAMAHQUAM AND SKATIN FIRST NATIONS

The Samahquam and Skatin First Nations (Samahquam and Skatin) treaty table is in Stage 5 negotiations. The First Nations have continued to explore governance models, protocol agreements with neighbouring Nations, and are working towards amending their constitutions to better reflect their new governance structures. Skatin (October 2023) and Samahquam (May 2024) signed Forest and Range Consultation and Revenue Sharing Agreements, which will establish a consultation process to identify potential adverse impacts of forest and range activities; provide a revenue sharing contribution to support capacity building; enhance social, economic and cultural well-being of members; and assist in achieving greater stability and certainty with respect to forest and range resource development in the territories of Samahquam and Skatin.

There are approximately 800 Samahquam and Skatin members, with traditional territories located between the middle point of Harrison Lake, northward to the middle point of Lillooet Lake. Samahquam and Skatin have overlapping and/or shared territories with their First Nation neighbours: Sts'ailes, Xa'xtsa (Douglas), Katzie, Lil'wat, Squamish, Stó:lō, Yale, and Tsleil-Waututh.

SNUNEYMUXW FIRST NATION

The Snuneymuxw First Nation (Snuneymuxw) treaty table is pursuing tripartite reconciliation. In January 2024, Snuneymuxw and the Government of Canada signed an Interim Land Reconciliation Agreement, which saw the return of approximately 80 hectares of land to Snuneymuxw First Nation. Snuneymuxw has announced development plans which will include key priorities related to housing, infrastructure, and economic development. In July 2024, the Government of British Columbia returned 2.67 hectares which constitute part of the historic *sxwayxum* village site, also known as Millstone River Village, to Snuneymuxw First Nation. The Government of British Columbia contributed \$26 million towards the \$28.5 million purchase price for the purpose of returning it to Snuneymuxw for redevelopment.

There are approximately 1,975 Snuneymuxw members, with traditional territory and waters spanning eastern Vancouver Island, including Nanaimo, Gabriola and Mudge Islands, and other islands in the Nanaimo watershed. Snuneymuxw has overlapping and/or shared territory with its First Nation neighbours: Snaw-naw-as, Nuu-chah-nulth, and Stz'uminus.

TAKU RIVER TLINGIT FIRST NATION

The Taku River Tlingit First Nation (Taku River Tlingit) treaty table is in Stage 4 negotiations. This year, the First Nation continued working toward an incremental treaty and reconciliation agreement. In 2021, Taku River Tlingit produced their five-year strategic plan, outlining core themes such as community and citizen wellness, traditional governance, professional administration, and intergovernmental relationships. In March 2024, Taku River Tlingit also initiated their Joint Visioning Process, which helped Taku River Tlingit engage and communicate with the wider community.

Discussions continue between Taku River Tlingit and the Government of Canada on the negotiation of a core self-government agreement. Taku River Tlingit has also made substantive efforts toward community engagement. The Nation has also put concerted efforts into its Wellness Working Group and is currently pursuing 'Wellness Quick Start' projects. It has also been engaging with neighbouring First Nations.

There are approximately 460 Taku River Tlingit members, with traditional territory spanning northwest BC and southwest Yukon. Taku River Tlingit has overlapping and/or shared territory with its First Nation neighbours: Carcross/Tagish and Teslin Tlingit.

TE'MEXW TREATY ASSOCIATION

The Te'mexw Treaty Association (Te'mexw) treaty table is in Stage 5 negotiations. Te'mexw represents five First Nations in treaty negotiations: Scia'new, Malahat, Snaw-naw-as, Songhees, and T'Sou-ke. This year, the Te'mexw table made progress in land negotiations, and land and cash proposals were offered to all five Te'mexw First Nations.

Discussions continue between Te'mexw and the Department of National Defence (DND) with regards to a land swap of DND designated surplus lands. Further positive developments include the E&N Railway land swap, which returns 4.36 hectares of land back to the Snaw-naw-as First Nation. Te'mexw has also made considerable efforts in chapter language review and in resolving any significant mandate-related issues prior to completing negotiations. Te'mexw has worked closely with Environment and Climate Change Canada on environmental protection matters.

TRM funding supported numerous initiatives that include, but are not limited to, building capacity to implement a long-term fisheries agreement and

development of fisheries operational guidelines, constitution ratification, and developing approaches to Te'mexw interests in parks reconciliation agreements.

There are approximately 1,940 Te'mexw members from five First Nations: Scia'new (Beecher Bay), Malahat, Snaw-naw-as (Nanoose), Songhees, and T'Sou-ke (Sooke). Te'mexw traditional territory is located in two main areas: on southern Vancouver Island in the Greater Victoria area and on the east coast of Vancouver Island around Nanoose Bay. Te'mexw has overlapping and/or shared territory with its First Nation neighbours: Esquimalt, K'ómoks, Saanich, Sechelt, Qualicum, Snuneymuxw, Pacheedaht, We Wai Kai, Wei Wai Kum, Kwiakah, Tla'amin, and some of the Nuu-chah-nulth and Hul'qumi'num First Nations.

TESLIN TLINGIT COUNCIL

Teslin Tlingit Council (Teslin Tlingit) negotiates together with Carcross/Tagish First Nation and is in Stage 4 negotiations. Both Nations are self-governing in the Yukon, with traditional territory in BC. Over the past year, the Parties discussed governance, lands, shared territories, and land and water management. The Provincial Government provided funding for a Game Guardian Program in the BC portion of Teslin Tlingit's traditional territory.

TRM funding supported land use planning in Teslin Tlingit traditional territory. This project seeks to assist with and contribute to a larger initiative to develop and implement a joint regional land use planning process for the BC portion of Teslin Tlingit's traditional territory. This work will be integrated and coordinated with the planning being developed in the Yukon portion of Teslin Tlingit's traditional territory.

There are approximately 615 Teslin Tlingit members, with traditional lands and waters

spanning the Yukon/BC border. The Teslin Tlingit has overlapping and/or shared territory with its First Nation neighbours: Kaska Dena, Liard, Ross River Dena, Tahltan, and Taku River Tlingit.

TLOWITSIS FIRST NATION

The Tlowitsis First Nation (Tlowitsis) treaty table is in Stage 5. Planning continues for Nenagwas, a new Tlowitsis community, through regular tripartite meetings. The establishment of Nenagwas is the result of ongoing extensive efforts by Tlowitsis, including their self-funded purchase of lands, to provide their members with a place to which they can return home. Some of the initiatives for Nenagwas include the construction of housing for the Nation, as well as the construction of a Big House. Nenagwas lands were designated as Indian Reserve lands through a federal Order in Council in December 2017. Tlowitsis has completed their wastewater treatment plant and hopes to begin construction of a housing development in Nenagwas in September 2024, followed by further housing construction in 2025.

Tlowitsis continues to collaborate alongside four other nations at the A-Tlegay common fish table: Kwiakah, We Wai Kai, Wei Wai Kum, and K'ómoks First Nations.

On April 5, 2024, Tlowitsis, along with three other members of the N̓anwaḱolas Council, We Wai Kai, Wei Wai Kum, and K'ómoks First Nations, celebrated an agreement with Western Forest Products Inc. Through this historic agreement, the four Nations acquired a 34 per cent interest stake in the lumber company and consists of 157,000 hectares of forest land on eastern Vancouver Island, including Sayward and Campbell River.

TRM funding supported digital capacity building and land analysis, which will see Tlowitsis staff

and members building knowledge of traditional lands and providing technical support for Tlowitsis staff. This would assist Tlowitsis in planning, capacity building, and preparations for treaty decisions and implementation.

There are approximately 450 Tlowitsis members, with traditional territory spanning part of northeastern Vancouver Island and an area on the mainland just northwest of Sayward. Tlowitsis has overlapping and/or shared territory with its First Nation neighbours: Da'naxda'xw/Awaetlala, 'Namgis, Homalco, K'ómoks, Mamalilikulla-Qwe'Qwa'Sot'Em, Wei Wai Kum, We Wai Kai, and Kwiakah.

TSAY KEH DENE NATION

The Tsay Keh Dene Nation (Tsay Keh Dene) treaty table is in Stage 4 negotiations. The Parties continued their work on an incremental treaty reconciliation agreement, which will focus on key areas such as economic development, sociocultural support, revenue sharing, forestry, and governance. Tsay Keh Dene has also made considerable progress in treaty chapter reviews.

TRM funding supported building a vision and strategy for a Tsay Keh Dene comprehensive treaty with the *Recognition and Reconciliation of Rights Policy*, as well as the *United Nations Declaration on the Rights of Indigenous Peoples* as the foundation of a future agreement.

There are approximately 530 Tsay Keh Dene members, with traditional territory spanning Mount Trace in the north, South Pass Peak in the west, Nation River in the south, and Mount Laurier in the east. Tsay Keh Dene has overlapping and/or shared territory with its First Nation neighbours: Carrier Sekani, Gitxsan, McLeod Lake, Tahltan, and Treaty 8.

TSIMSHIAN FIRST NATIONS

The five Tsimshian First Nations are in various stages of treaty negotiations. Kitselas and Kitsumkalum negotiate together at a common treaty table and are in Stage 5; Metlakatla is in Stage 5; Gitga'at and Kitasoo/Xai'xais are in tripartite reconciliation negotiations.

On June 24, 2024, Kitselas First Nation, along with the Government of BC and Government of Canada initialled their treaty. On June 25, 2024, Kitsumkalum First Nation along with the Government of BC and the Government of Canada initialled their treaty.

The five Tsimshian First Nations total approximately 4,120 members: Kitselas has approximately 770, Kitsumkalum 890, Metlakatla 1,100, Gitga'at 870, and Kitasoo/Xai'xais 490. Their traditional lands and waters span the northwest coast, including the Prince Rupert and Terrace areas. The Tsimshian First Nations have overlapping and/or shared territories with their First Nation neighbours: Gitxsan, Haida, Heiltsuk, Lax Kw'alaams, Gitxaala, Nisga'a, and Wet'suwet'en.

» Gitga'at First Nation

Over the past year, Gitga'at First Nation (Gitga'at) has continued to negotiate its Reconciliation Framework Agreement. Gitga'at has prioritized issues of good faith measures, forest tenures and lands, and fiscal matters. TRM funding supported self-government work.

» Kitasoo/Xai'xais Nation

Kitasoo/Xai'xais Nation is in tripartite discussions with Canada and British Columbia and is exploring a reconciliation table and a reconciliation framework agreement to address inherent Kitasoo/Xai'xais rights and title. TRM

funding supported education and governance capacity work.

» **Kitselas First Nation**

Kitselas First Nation (Kitselas) negotiates at a common treaty table with Kitsumkalum and has worked to advance negotiations and close all outstanding issues. The table incorporates a rights recognition approach to negotiations.

On June 24, 2024, the *Kitselas Treaty: A Living Agreement*, was initialled by the Chief Negotiators of each Party in the heart of Kitselas traditional territory, Kitselas Canyon. This made it the first agreement to be initialled after the creation of the *Recognition and Reconciliation of Rights Policy* and other major rights recognition policies, such as the provincial *Declaration on the Rights of Indigenous Peoples Act* and the federal *United Nations Declaration of the Rights of Indigenous Peoples Act*. Kitselas First Nation will vote on its treaty in spring 2025. If members vote in favor of the treaty, it will be sent to the federal and provincial legislatures for ratification. After this, there will be a transition period before implementation begins. The Kitselas treaty will be a living agreement and benefit from future changes to policies and legislation. It will also allow Periodic Renewal opportunities.

Over the past year, the Parties have hosted public engagement events and open houses to provide information on the treaty. The Parties completed substantial technical work for land, capital transfer, and fisheries proposals.

Kitselas continues to engage the community to develop its constitution, update its members on negotiations, and build relationships with neighbouring local governments. A specific focus has also been placed on eligibility and enrolment procedures and shared territory matters. TRM funding supported land use planning, communications initiatives, and primary and secondary education.

The treaty will: recognize and protect inherent Kitselas title and rights; establish how the First Nation's laws interact with federal and provincial laws; recognize harvesting and resource rights throughout its territory; and establish the land, capital transfer, and governance provisions of the treaty.

» **Kitsumkalum First Nation**

Kitsumkalum First Nation (Kitsumkalum) negotiates at a common treaty table with Kitselas First Nation. The table incorporates a rights recognition approach to negotiations.

On June 25, 2024, Kitsumkalum, the Government of Canada, and the Government of British Columbia initialled the *Kitsumkalum Treaty: A Living Agreement*. The Kitsumkalum Treaty will benefit from other future innovations in reconciliation. Kitsumkalum will vote to ratify the treaty in 2025, which, if successful, will then trigger ratification processes by the Government of Canada and the Government of British Columbia. Once ratified by the two Crown governments, the Treaty will go into effect and implementation will commence. The Kitsumkalum treaty will be a living agreement and allow for Periodic Renewal opportunities.

The treaty will: recognize and protect Kitsumkalum inherent title and rights; establish how the First Nation's laws interact with federal and provincial laws; recognize harvesting and resource rights throughout its territory; and establish the land, cash, and governance provisions of the treaty.

Kitsumkalum continues to engage the community to develop its constitution, update members on Stage 5 negotiations, and build relationships with neighbouring local governments. TRM funding supported community information sharing in preparation for treaty ratification, field work on coastal sites, and primary/secondary school education projects.

» Metlakatla First Nation

The Metlakatla First Nation (Metlakatla) treaty table is in Stage 5 negotiations. Over the past year, Metlakatla has focused on identifying lands for treaty, enforcement of laws, capital/funding components, community engagement, and fiscal matters. A Foreshore Working Group involving Metlakatla and several federal and provincial departments has met regularly to co-develop a way to address Metlakatla's interests in the foreshore and the complex jurisdictional interests of the Parties in these areas. Negotiations continue to build on other agreements Metlakatla has signed, such as the *Coastal First Nations Reconciliation Protocol Agreement* and the *Protected Area Collaborative Management Agreement*.

TRM funding supported community engagement.

WE WAI KAI TREATY SOCIETY

The We Wai Kai Treaty Society (WTS) treaty table is in Stage 5 negotiations.

Over the course of the past year, WTS has focused their efforts on matters such as fisheries, lands, and the implementation of incremental treaty agreements. TRM funding supported self-government.

WTS continues to collaborate alongside four other nations at the A-Tlegay common fish table: K'ómoks, Tlowitsis, Wei Wai Kum, and Kwiahah First Nations.

On April 5, 2024, We Wai Kai, along with three other members of the N̓anw̓akolas Council, K'ómoks, Wei Wai Kum, and Tlowitsis First Nations, celebrated an agreement with Western Forest Products Inc. Through the historic agreement, the four Nations acquired a 34 per cent interest stake in the lumber company and consists of 157,000 hectares of forest land on

eastern Vancouver Island, including Sayward and Campbell River.

On February 21, 2024, We Wai Kai also reached a two-year timber harvesting agreement with Mosaic Forest Management, which will build upon the partnership which was established in 2022.

There are approximately 1,230 We Wai Kai members, with traditional lands and waters spanning the area around Campbell River, Quadra Island, and surrounding inlets. We Wai Kai has overlapping and/or shared territory with its First Nation neighbours: Da'naxda'xw/Awaetlala, Homalco, Klahoose, K'ómoks, Kwiahah, Mamalilikulla-Qwe'Qwa'Sot'Em, 'Namgis, Snaw-naw-as, Qualicum, Tla'amin, Tlowitsis, Snuneymuxw, and Wei Wai Kum.

WEI WAI KUM FIRST NATION

The Wei Wai Kum First Nation (Wei Wai Kum) treaty table is in Stage 5 negotiations. In April 2024, Wei Wai Kum and Kwiahah First Nations decided to embark on separate negotiations.

In July 2019, the Parties signed the *Wei Wai Kum/Kwiahah Transition to Stage 5 and Treaty Revitalization Agreement*. The negotiations will continue to be guided by the 2019 Transition Agreement.

The Parties have focused on issues of self-government, lands, and shared territories. Wei Wai Kum continues to collaborate alongside four other nations at the A-Tlegay common fish table: Tlowitsis, Kwiahah, Wei Wai Kum, and K'ómoks First Nations.

On April 5, 2024, Wei Wai Kum, along with three other members of the N̓anw̓akolas Council, We Wai Kai, K'ómoks, and Tlowitsis First Nations, celebrated an agreement with Western Forest Products Inc. Through the historic agreement, the

four Nations acquired a 34 per cent interest stake in the lumber company and consists of 157,000 hectares of forest land on eastern Vancouver Island, including Sayward and Campbell River.

TRM funding supported the development of natural resources.

There are approximately 940 Wei Wai Kum members, with traditional lands and waters spanning the east-central area of Vancouver Island and mainland coastal watersheds. Wei Wai Kum has overlapping and/or shared territory with its First Nation neighbours: Homalco, Klahoose, K'ómoks, Kwiakah, Mamalilikulla-Qwe'Qwa'Sot'Em, Mowachaht/Muchalaht, 'Namgis, Snaw-naw-as, Qualicum, Snuneymuxw, Da'naxda'xw/Awaetlala, Tlowitsis, Tla'amin, and We Wai Kai.

WUIKINUXV NATION

The Wuikinuxv Nation (Wuikinuxv) treaty table is in Stage 5 negotiations. Over the past year, the Wuikinuxv table has focused on internal governance, capacity building, and fisheries. Wuikinuxv continues to engage its citizens on the negotiations at annual general meetings.

TRM funding supported governance work.

There are approximately 290 Wuikinuxv members, with traditional lands and waters spanning the north side of Wannock River, between Owikeno Lake and the head of Rivers Inlet on BC's mid-coast. Wuikinuxv has overlapping and/or shared territory with its First Nation neighbours: Gwa'sala-'Nakwaxda'xw, We Wai Kai, and Heiltsuk.

YEKOOOCHE FIRST NATION

The Yekooche First Nation (Yekooche) treaty table is in Stage 5 negotiations. Over the past year, the Nation has focused on fisheries, economic development, and social and wellness initiatives. In addition, the Parties have dedicated their efforts to reviewing draft treaty chapters. Yekooche continues to work with neighbouring First Nations to address shared territory interests.

There are approximately 225 Yekooche members, with traditional lands and waters spanning Stuart Lake, Cunningham Lake, and Lake Babine. Yekooche has overlapping and/or shared territory with its First Nation neighbours: Lake Babine, Burns Lake, Nadleh Whut'en, Nak'azdli, Stellat'en, Takla, Tl'azt'en, and Treaty 8.

STATUS REPORTS

NOT CURRENTLY NEGOTIATING (29)

The following First Nations have not had any significant tripartite activity in the last fiscal year or longer. For information on all First Nations in the BCTC negotiations process, please visit our website, bctreaty.ca

- 'Namgis Nation
- Carrier Sekani Tribal Council
- Champagne and Aishihik First Nations
- Cheslatta Carrier Nation
- Da'naxda'xw/Awaetlala Nation
- Esk'etemc First Nation
- Haisla Nation
- Heiltsuk Nation
- Hupačasath First Nation
- Ktunaxa Nation
- Kwakiutl Nation
- Lake Babine Nation
- Lheidli T'enneh First Nation
- Liard First Nation
- McLeod Lake Indian Band
- Musqueam Nation
- Nazko First Nation
- Nuu-Chah-Nulth Tribal Council
- Quatsino First Nation
- Ross River Dena Council
- Sechelt Indian Band
- Squamish Nation
- Stó:lō Xwexwilmexw Government
- Tla-o-qui-aht First Nation
- Tlatlasikwala Nation
- Tsleil-Waututh Nation
- Westbank First Nation
- Wet'suwet'en Hereditary Chiefs
- Yale First Nation



ABOUT THE BC TREATY COMMISSION

ABOUT THE BC TREATY COMMISSION AND NEGOTIATIONS »

THE BRITISH COLUMBIA TREATY COMMISSION (Treaty Commission) is an independent body that facilitates the negotiations of treaties, agreements and other constructive arrangements for the recognition of First Nations rights and title, and lasting reconciliation. The Treaty Commission facilitates the negotiations amongst First Nations in BC, the government of Canada and the government of British Columbia. The Treaty Commission is not a party to the negotiations and does not negotiate on behalf of the Parties.

MANDATE

The Treaty Commission fulfills three main functions:

- Facilitating negotiations of treaties, agreements, and other constructive arrangements amongst the three Parties (First Nation(s), the Government of BC, and the Government of Canada);
- Allocating negotiation support funding to enable First Nations to participate in negotiations; and
- Educating the public and providing information about modern treaties and agreements, the negotiations, and relevant legislation and policies.

The Treaty Commission was co-established in 1992 through the signing of the *British Columbia Treaty Commission Agreement* (BCTC Agreement) by the governments of Canada and British Columbia, and the First Nations Summit (collectively referred to as the

“Principals”). Federal and provincial legislation was subsequently passed, legally establishing the independent nature of the BC Treaty Commission.

In 2018, its mandate was enhanced to include supporting negotiating Parties in implementing the UN Declaration, the Truth and Reconciliation Commission of Canada’s (TRC) 94 Calls to Action, the *Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples*, and the recognition of First Nations title and rights. The Treaty Commission and its work continue to be guided by the *Report of the British Columbia Claims Task Force* (Task Force Report) and its 19 recommendations.

The Treaty Commission is comprised of a Chief Commissioner, four Commissioners, and 11 staff members. The operations of the Treaty Commission are cost-shared by the federal and provincial governments; Canada contributes 60 per cent and British Columbia contributes 40 per cent. In the 2023/24 fiscal year, operating funding was approximately \$3.05 million.

PARTNERS IN RECONCILIATION

PRINCIPALS AND PARTIES TO THE NEGOTIATIONS

The Principals are responsible for creating policies and approaches to improve the made-in-BC negotiations framework, and the Parties are responsible for implementing and negotiating agreements at negotiation tables. The Parties to the negotiations are individual or collective First Nation(s), the Government of Canada, and the Government of British Columbia.

Advancements in policy, legislation, and court rulings have further strengthened reconciliation efforts in British Columbia and the recognition of First Nation rights and title. In addition to the 19 recommendations of the Task Force Report, the *Principals' Accord on Transforming Treaty Negotiations in British Columbia* (2018), and the RRR Policy, recent developments in taxation and governments' commitment to living agreements have led to transformational changes, as evidenced by the three modern treaties initialled in 2024. The Principals, the Parties, and the Treaty Commission are all currently engaging in ratification efforts to prepare for treaty votes in 2025.

The Canadian Constitution (under section 35) is clear in its recognition of the existence of Indigenous rights and the constitutional nature of modern treaties. As case law has evolved, so have the governments' views on the means to recognize these rights. Negotiations, rather than legal proceedings, are an ever-growing tool to define, recognize, and protect the unique rights of each First Nation. The Treaty Commission thus has an essential role in assisting Parties in the fulfilment of this crucial and constitutionally important process.

THE PUBLIC

In negotiations, non-Indigenous peoples' interests are represented by both the federal and provincial governments. Local, municipal, and regional officials may also attend negotiations with the provincial government as observers to receive updates, bridge understanding, and support relationship building.

Truth and reconciliation go hand-in-hand with rebuilding a new relationship amongst Canadians and Indigenous peoples. Though the negotiation of treaties and agreements occurs between the Parties, the public holds an important role in the honouring of these constitutionally protected treaties. This can be achieved through ongoing and meaningful engagement in reconciliation efforts, which includes learning about colonialism within the context of Canadian history, learning about the lasting impacts of the Indian Residential School System, and building lasting relationships rooted in respect and the recognition of First Nations' inherent rights.

The TRC's 94 Calls to Action and the UN Declaration provide instrumental guidance and concrete steps forward for individuals and institutions to contribute to reconciliation, and ensure a better future for all.



FACILITATING NEGOTIATIONS

The BCTC Agreement and associated legislation state that the primary role of the Treaty Commission is to assist the Parties and the Principals as an independent facilitator of negotiations.

The independent nature of the Treaty Commission is protected by its legal foundation, consisting of a CEO and chair, or Chief Commissioner, and four commissioners — two elected by the First Nations Summit, one appointed by Canada, and one by BC. Commissioners are independent and do not represent the principal that elected or appointed them.

In fulfilling its role, the Treaty Commission:

- Facilitates negotiations and convenes important meetings;
- Assists the Parties in developing tripartite workplans to support negotiations;
- Ensures fair, effective, and impartial negotiations;
- Assists the Parties in developing solutions and resolving impasses;
- Encourages timely negotiations and progress toward milestones;
- Supports First Nations with engaging in and resolving overlapping/shared territory issues;
- Observes and reports on negotiations progress;
- Brings together First Nations to share best practices and support capacity development;
- Reports publicly on opportunities and obstacles; and
- Works with the Principals to improve the negotiations process, including participating in working groups.

The primary role of the Treaty Commission is to assist the Parties and the Principals as an independent facilitator of the negotiations.

Commissioners and staff are involved in an increasing number of facilitation initiatives. This is a result of several circumstances, including:

- Intensified negotiations to conclude modern treaties and tripartite reconciliation negotiations;
- Renewed interest in the negotiations as a result of recent policy and legislation changes;
- Providing increased support for the implementation of the UN Declaration;
- Supporting the Parties with ratification requirements;
- Increased focus on supporting the resolution of First Nations overlapping and shared territory issues;
- Providing increased support in ensuring productive tripartite workplans; and
- Increased dialogue within and amongst First Nations, especially in multi-community First Nations, with respect to issues of shared territory, governance, and capacity.

The BC Treaty Commission continues to assist the Parties in implementing commitments made through the Principals' Accord and the RRR Policy, and in meeting their commitments to implement the UN Declaration at both the federal and provincial levels.

INDEPENDENT FUNDING AUTHORITY

A key recommendation from the Task Force Report is that an independent funding authority ensure impartiality and fairness amongst the Parties in the negotiations framework.

The Treaty Commission is the independent funding authority for treaty and tripartite reconciliation negotiations in British Columbia. This is set out in the BCTC Agreement, associated federal and provincial legislation, and the Rights Recognition Policy. The Treaty Commission allocates and monitors funding to First Nations and treaty tables for their participation in tripartite negotiations.

This includes:

- Allocating funding to First Nations in accordance with funding criteria agreed to by the Principals;
- Receiving and reviewing additional funding requests from First Nations;
- Approving First Nations' budgets to support their workplans and the table tripartite workplan activities;
- Reviewing annual audit reports and other accounting reports from First Nations that receive negotiation support funding; and
- Obtaining First Nations' approval to accept the negotiations support funding from Canada and BC.

The evolution to contribution-only funding means First Nations are no longer required to obtain loans to undertake negotiations.

FUNDING FOR FIRST NATIONS

First Nations funding for negotiations is 100 per cent contribution-only, meaning funding is non-repayable, similar to grants. This funding, commonly referred to as negotiation support funding (NSF), is provided by the federal and provincial governments. As an independent body, the Treaty Commission allocates NSF to First Nations to ensure impartiality.

NSF supports First Nations offices and staff participation in negotiations and related activities, including: capacity and governance building; community engagement; communications; overlap and shared territory engagement; legal and advisory services; lands, resources, and research work; ratification; and preparations for self-government.

EVOLUTION OF NEGOTIATION SUPPORT FUNDING

For a long time, the funding arrangement consisted of part repayable loan (80 per cent) and part contribution funding (20 per cent).

First Nations are now no longer required to obtain loans to undertake treaty or tripartite reconciliation negotiations. The Treaty Commission acknowledges both the federal and provincial governments and First Nations for their leadership in resolving this longstanding issue.

The evolution to contribution-only funding is an important achievement and marks a significant milestone towards reconciliation and the recognition of rights. In the 2023/2024 fiscal year, the Treaty Commission allocated more than \$33.5 million in 100 per cent contribution-only funding to First Nations for negotiations.

Since moving to contribution-only funding, the Treaty Commission has implemented additional financial accountability measures, supporting transparency and accountability. It requests

that funding be directed toward key priorities and issues in negotiations, including: ensuring First Nations focus on citizen engagement and information sharing; overlapping/shared territory engagements; capacity building; and preparations for self-government. The Treaty Commission also ensures that negotiation tables have tripartite workplans, and actively facilitates the development of these workplans at each negotiation table.

PUBLIC ENGAGEMENT

The Treaty Commission provides public information and education on reconciliation, modern treaty and tripartite reconciliation negotiations, and policy developments.

The governments of Canada and BC also share the responsibility of educating and informing the public about negotiations. The three Parties at each negotiation table have a responsibility to provide specific information on the progress of their negotiations.

To fulfill this part of its mandate, the Treaty Commission:

- Prepares and maintains a public record of the status of negotiations through a public annual report, while respecting the confidentiality of negotiations;
- Reports on the status of negotiations throughout the year through online, print, and in-person engagements, and consolidates this information in its annual report;
- Engages the public on negotiations at conferences, tradeshows, conventions, special events, community forums, meetings, and schools;
- Educates and involves youth and emerging Indigenous leaders on reconciliation and treaty negotiations through social

media, school presentations, and treaty negotiation workshops;

- Meets with federal and provincial departments and agencies to advocate for the importance of treaty and reconciliation negotiations in government fulfilling their constitutional obligations and commitments to implement the UN Declaration;
- Engages with local and municipal governments, including Regional Districts to share information;
- Creates and distributes publications and resources to share best practices with First Nations and the public;
- Organizes and hosts forums that create a venue for sharing knowledge, experiences, lessons learned, and good practices — especially between First Nations currently negotiating and Modern Treaty Nations;
- Maintains a website with current and historical information on treaty negotiations and all publications, including annual reports, news releases, forum materials, videos, and teaching materials;
- Works with the Principals to collaborate on joint messaging and materials regarding the made-in-BC negotiations framework and on modern treaties, agreements and constructive arrangements; and
- Engages with the public using social media channels such as Facebook, Instagram, YouTube, LinkedIn, and X (formerly Twitter). The Treaty Commission's social media handle is @bctreaty.

This year, the Treaty Commission increased its advocacy to ensure the conclusion of three treaty negotiations, advancement of Haida title

recognition, and support for other constructive arrangements. This included numerous meetings with: Ministers; elected Members of the House of Commons; the Liberal Pacific Caucus; elected leaders from Members of Parliament; senior officials from key departments and ministries from both the federal and provincial governments, and members of the House of Commons Standing Committee on Indigenous and Northern Affairs.

Recognizing the importance of media in sharing information, the Treaty Commission participated in media interviews on the recent achievements. The Treaty Commission worked with the Haida Nation, Kitselas First Nation, Kitsumkalum First Nation and K'ómoks First Nation to amplify each of their voices and visions for their own paths to self-determination and self-government in **a special edition of Maclean's magazine empowering Indigenous voices.**

Negotiations forging New Roads to Reconciliation
With the support of a flexible Made-in-BC negotiations process, four First Nations are forging new agreements and sharing their hopes for an equitable and prosperous future.
By McQuest

Reconciliation is a process. And a key part of that process is that each First Nation has their own path to recognition of their title, rights, and self-governance. There is no one-size-fits-all approach. With the support of a Made-in-BC negotiations framework that upholds the original intent and spirit of the BC Claims Task Force Report — while integrating the latest advancements, including the BC's Rights Recognition Policy and the United Nations Declaration of the Rights of Indigenous Peoples — four British Columbia First Nations have embarked on historic new agreements with their partner provincial and federal governments. Each of these agreements — and the process through which they are reached — is unique to the needs, goals, and historic context of the First Nation involved. "After a long history of rights denial and reluctance, we are undeniably in an era of rights recognition, grounded in self-determination and nation-to-nation relationships," says Celeste Haldane, Chief Commissioner of the BC Treaty Commission. "These four unique agreements pave the way for reconciliation."

Reconciliation is the essential foundation of a stronger Canada and a brighter future for all Canadians. When time and effort is committed to forging new agreements that respect the rights and sovereignty of First Nations, both Indigenous and non-Indigenous communities thrive, bringing social and economic prosperity to all, across British Columbia and across Canada.

We are Kitselas First Nation - Gitselaan 'People of the Canyon'. Our vision is to be a self-sufficient self-governing Nation, upholding our culture and our people into the future. The Kitselas Treaty is the foundation and tool to recognize Kitselas self-governance and title, protect our inherent rights, and unlock sustainable economic opportunities. It is time to realize our Ancestors' vision and solidify our nation-to-nation relationship with Canada and BC. Under treaty we are protecting our people and giving up nothing but the shackles of the Indian Act.
-Chief Glenn Forester of Kitselas First Nation

Kitsumkalum Treaty, with over 30 years of negotiations has been crafted to fulfill the memories of our Elders and Ancestors, but more importantly, to create opportunity and protect intrinsic rights as a tribe of the Taimshan Nation and place for our children's children to grow and prosper. Kitsumkalum will have land, access to vital natural resources, provisions for better social systems, law-making ability, economic opportunities and our own governance authority.
-Chief Don T. Powers of Kitsumkalum First Nation

Modern-day treaties challenge the perseverance of an Nation. Understanding the challenges, this council took office to reach the milestones of treaty for those before us and after. The process has been long, but we set forward on our own journey, our own way. Exercising our rights and title throughout our territory, honouring our people, lands, waters, cultures and languages - K'ómoks self-governance is our mandate. This is for our people!
-Chief Ken Price of K'ómoks First Nation

The leadership of Indigenous Nations has created space for proper Crown recognition of our title and rights over our territories. By building relationships and constantly challenging the status quo, we have found innovative ways to take care of our lands and waters, ensuring that we lead in shaping our collective future. Each path is unique. For the Haida Nation, negotiations support the expression of our deeply rooted history, culture, and connections to our ancestors and homelands in responding to our modern challenges peacefully.
-President Chagwits-Jacm Asep of the Haida Nation

Find out more about the Made-in-BC negotiation process at bc-treaty.ca

This article was sponsored by the **British Columbia Treaty Commission**

BC TREATY COMMISSION

Read the special section in Maclean's magazine at innovatingcanada.ca.

ELIGIBILITY AND ENROLMENT

This September, the Treaty Commission released its First Nations Eligibility & Enrolment (E&E) guide to assist with preparations for treaty ratification.

The E&E guide delves into roles and responsibilities of staff and committees members; workplanning and budgeting; procedures; and best practices to strengthen First Nations capacity for self-government and promote effective community engagement.

It also includes key terms, considerations, practical strategies, real examples, and documents and templates that can be adapted First Nations' unique needs, diverse circumstances, and forms of governance. As this is a new tool, it will be updated over time with input from First Nations and government.

PRESENTATIONS AND CONFERENCES

The Treaty Commission presents at and participates in virtual and in-person gatherings of First Nations, industry, universities, youth, government, and legal professionals. Through these engagements, the Treaty Commission connects with First Nations, governments, and the public to share information on the negotiations process, the progress of negotiation tables, the UN Declaration, and other work of the Treaty Commission.

From October 2023 to September 2024, the Treaty Commission provided numerous presentations throughout the province and in Ottawa to share critical messaging around advancing reconciliation through modern treaties and tripartite reconciliation agreements. Presentations were made to: Kitselas First Nation; Kitsumkalum First Nation; K'ómoks First Nation; Northern Secw̓epemc te Qelmūcw (NStQ) Citizens' Assembly; the District of Saanich; Metro Vancouver Regional District; Manitoba Treaty Commission; Metro Vancouver Regional District

Indigenous Relations Committee; Indigenous Legal Order Conference; the University of British Columbia; Brockton School; and King David High School.

The Treaty Commission also participated in: the Association of Mineral Exploration Roundup; the Council of Forest Industries Convention; the Greater Vancouver board of Trade; the Indigenous Partnerships Success Showcase; the Elders Gathering; the Prospectors & Developers Association of Canada Convention; Our Gathering; the Vancouver Island Economic Alliance Summit; and the Union of BC Municipalities Convention.

FORUMS AND ROUNDTABLES

Over the years, the Treaty Commission has hosted and co-hosted forums and roundtables to support the development of strong networks amongst First Nations treaty negotiations teams. Roundtables provide opportunities to share ideas, experiences, lessons learned, good practices, and tools.

In January 2024, the Principals, with the involvement of the Treaty Commission, co-hosted a Tripartite Session for Treaty Negotiators in British Columbia, which brought together representatives from First Nations, provincial ministries, and federal departments to meaningfully engage on co-development and redress, as outlined in multiple sections of the RRR policy. Speakers and delegates shared examples of best practices, innovations, and successes, as well as challenges and gaps in the co-development of mandates. In addition to these valuable conversations, delegates attended high-level presentations on redress to support discussions on future work and areas of topics. The RRR policy continues to enhance progress and innovations in negotiations, and the Treaty Commission commends the Principals for their continued dedication to addressing outstanding issues and implementing the policy.

In April, the BC Treaty Commission made interventions at the United Nations Permanent Forum on Indigenous Issues, as well as interventions at the Expert Mechanism on the Rights of Indigenous Peoples in July. Both United Nations mechanisms are mandated to implement the UN Declaration. Enhanced participation of Indigenous Peoples within the United Nations is underway at both the Human Rights Council and the General Assembly. The Treaty Commission has been participating in these processes advocating for Modern Treaty and self-governing Nations' ability and right to represent themselves on matters that may affect them. This is consistent with upholding the right to self-determination and self-government, where First Nations are self-governing through such mechanisms as treaties and agreements with the State, such as through Modern Treaties and reconciliation agreements with Canada and BC.

EMPOWERING EMERGING LEADERS

Understanding modern treaties and negotiations is important for all ages, and the Treaty Commission continues to prioritize engaging with youth and emerging leaders.

In July, the Treaty Commission returned to Kitselas First Nation to facilitate a third treaty negotiations workshop to the Kitselas Youth Culture Camp. This workshop provided another opportunity for youth to experience hands-on learning about the negotiations process, engage with the Kitselas treaty teams and leadership, and learn about the work being done to support treaty and self-governance in their community. This year's workshop was particularly special because it came soon after the initialing of the Kitselas Treaty.

The Treaty Commission also presented to post-secondary students at the University of British Columbia and to students at Brockton School, and King David High School on modern treaties, agreements and the negotiations process.



COMMISSIONERS

COMMISSIONERS »

The BC Treaty Commission is comprised of one Chief Commissioner and four Commissioners. The Chief Commissioner is appointed by agreement of the three Principals (the governments of Canada and British Columbia, and the First Nations Summit) and serves as the CEO and Chair for a three-year term. The First Nations Summit elects two commissioners and the federal and provincial governments each appoint one. Commissioners are part-time and serve two-year terms. The Treaty Commission is structured in this way, supported by legislation, to ensure its impartiality and independence. Commissioners do not represent the Principals that appoint them. Decisions require the support of a commissioner appointed by each Principal.

Celeste Haldane, KC
CHIEF COMMISSIONER



CHIEF COMMISSIONER CELESTE HALDANE is serving her third term and was first appointed in 2017. Celeste previously served as a First Nations Summit appointed Commissioner from 2011 to 2017. Celeste is Musqueam (Coast Salish) and Metlakatla (Tsimshian) from the Sparrow and Haldane families and has European ancestry.

Celeste is a practising lawyer and was appointed King's Counsel in 2019. Drawing from over 25 years' of experience, her specializations are in Indigenous law, corporate governance, and she previously practiced criminal defense and civil litigation. She is an active member of both the Indigenous Bar Association and the Canadian Bar Association.

She holds a Master of Laws in Constitutional Law from Osgoode Hall Law School at York University. She earned a Bachelor of Laws and Bachelor of Arts (Anthropology) from the University of British Columbia. Celeste was recently appointed to YWCA Vancouver Board as a Director and serves on the Governance Committee as a volunteer member of the Advisory Council on Diversity to the Joint Task Force Pacific Commander. Previously, she served on the Hamber Foundation Board, the UBC Board of Governors, the Brain Canada Foundation, Legal Aid BC, the Musqueam Capital Corporation, and the Indigenous Bar Association. She is an alumna of the Governor General's Canadian Leadership Conference.

Celeste lives with her husband Conrad on Vancouver Island and is the proud mother of three and grandmother of two.



COMMISSIONER LISEANNE FORAND is the Government of Canada appointed Commissioner. She is serving her second term as Commissioner and was initially appointed in 2020. She is a retired public servant with over 30 years experience in intergovernmental affairs, policy, natural resource management and international relations. She began in public service with the Department of Fisheries and Oceans (DFO) in 1985. Throughout her career she assumed progressively senior roles, serving as Assistant Deputy Minister in both the DFO and the Department of Indian and Northern Affairs. Liseanne was also Senior Associate Deputy Minister of Human Resources and Skills Development, Chief Operating Officer for Service Canada, and served in the Privy Council Office as Assistant Secretary to Cabinet, Social Development Policy. She was also the first President of Shared Services Canada and retired from public service in 2015. Liseanne also holds a Bachelor of Arts degree

in English (Honours) from Concordia University. She has also served on a number of boards, including Vice Chairperson of the Board of Polar Knowledge Canada, and Chair of the CHEO Foundation and on the Institute on Governance Board.

Liseanne and her husband, Jonathan, live in North Saanich, and she is a proud stepmother and grandmother.



COMMISSIONER ANGELA WESLEY is the Province of British Columbia appointed commissioner. She is serving her third term and was first appointed in 2018. She is a citizen of the Huu-ay-aht First Nations (Nuu-chah-nulth), one of five First Nations implementing the Maa-nulth Treaty on the west coast of Vancouver Island.

Angela has worked with First Nations throughout BC for over 30 years, providing advice and facilitation focused on strategic planning, community development and engagement, communications, and governance capacity building. She was an active contributor throughout negotiations and ratification of the Maa-nulth treaty and the Huu-ay-aht Constitution and remains active in the implementing the treaty and rebuilding her self-governing Nation. Angela serves as Speaker for the Huu-ay-aht First Nations Legislature and Annual People's Assemblies and served as Board Chair/President for the

Huu-ay-aht Group of Businesses for eight years. She represents the five Maa-nulth First Nations on the tripartite treaty implementation committee and has served and continues to serve as a director on several First Nations, post-secondary and corporate boards and trusts.

Angela is actively involved in international discussions on Indigenous governance and leadership. She resides in her husband Gerald's traditional territory of Kitsumkalum in Terrace and enjoys the company and teachings of her grandson.



COMMISSIONER LYDIA HWITSUM (Xtli'li'ye) is a First Nations Summit (FNS) elected Commissioner. She is serving her first term as Commissioner and was elected by the FNS Chiefs in Assembly in April 2024. She is from the Cowichan Nation and previously served three terms as Chief of the Cowichan Tribes.

Lydia has more than 25 years of experience in governance development, policy development and implementation, and administration. She has advocated for Indigenous rights at the local, provincial, national, and international levels. Lydia has also served her community in many other capacities, including two terms on the First Nations Summit Political Executive, serving as the BC representative to the AFN Women's Council, and sitting on the First Nations Health Authority Board of Directors and the Board of Trustees of the First Nations Market Housing Fund. She currently

serves on the BC First Nations Justice Council and the First Nations/BC Water Table at the First Nations Water Caucus.

She studied arts and social sciences in her undergrad and graduated from the University of Victoria Law School. Lydia is a proud mother and grandmother.



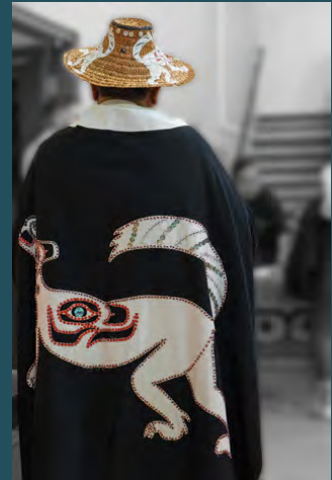
COMMISSIONER EDWARD JOHN (Akilech'oh) is a First Nations Summit (FNS) elected Commissioner. He is serving his first term as Commissioner and was elected by the FNS Chiefs in Assembly in April 2024. Edward is from the Tl'azt'en Nation, is a Hereditary Chief, Dene Zah Akilech'oh, and is the current elected Chief.

He has been involved in the advancement of Indigenous rights and the treaty negotiations framework for decades. Edward was instrumental in the creation of the FNS and the BC Treaty Commission and served on the FNS Task Group for 11 consecutive terms. From 2011 to 2016, Edward served as the North American Expert Member to the United Nations Permanent Forum on Indigenous Issues. He was also part of the negotiations and adoption of the UN Declaration on the Rights of Indigenous Peoples by the UN Human Rights Council and the General Assembly.

Edward was also Minister of Children and Families in BC and the Special Advisor on Aboriginal Child Welfare to the Minister of Children and Family Development in BC.

He holds a Bachelor of Arts degree from the University of Victoria in sociology, and a law degree from the University of British Columbia. He also received Honorary Doctor of Laws degrees from both the University of Northern British Columbia and the University of Victoria.

Edward is a Dene fluent speaker with extensive Dakelh traditional knowledge. He is a proud father and grandfather and enjoys time in his home community of Tache and his wife Wendy's community of Musqueam.



The British Columbia Treaty Commission acknowledges the important work of photographers whose work is featured in this year's Annual Report. This includes Dominic Chan, Aice Sumido, Pete Tuepah and the Government of British Columbia's photographers.

These photos capture many important moments in the history of BC, First Nations, and of treaty negotiations in British Columbia.

Many of the photos are shared with British Columbians through the official photostream of the Province of British Columbia. See the collection at [flickr.com/photos/bcgovphotos/](https://www.flickr.com/photos/bcgovphotos/)

*I dream of the day when the only running
women do is for office.
That my daughters will know a world where
the only glass ceilings are in green houses.*

Honahli Berry, Lieutenant of Chief

**BC TREATY
COMMISSION**



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